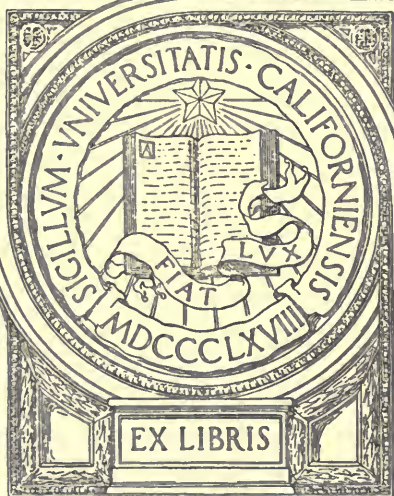




UNIVERSITY OF CALIFORNIA  
AT LOS ANGELES







## THE CONDUCT OF LIFE



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# THE CONDUCT OF LIFE

AND OTHER ADDRESSES

By VISCOUNT HALDANE

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## THE CONDUCT OF LIFE.

*An Address delivered to the Associated Societies of the University of Edinburgh on 14th November, 1913.*



## THE CONDUCT OF LIFE.

I HAVE chosen a theme on which I should not have ventured had I not in days gone by been one of yourselves, and intimately acquainted with the ups and downs which beset those who were then struggling along the path to a degree.

My recollection of my undergraduate life forty years since, and of the obscurities and perplexities of that time, is still vivid; and with your permission I wish to speak to-day of how some of the old difficulties appear to one looking back on them with the light which experience of life has brought.

Before I enter on my topic, I may just refer to a difference that in such a meeting as this distinguishes the present from the past. I touch the topic not without trepidation, but I will take my life in my hands. I am to-day addressing women just as much as men. For a change has come over the University since my time, a change of which I have the temerity to say at once that I am glad. Women have an access to academic life which in my student days was practically denied to them. And this is a sign of the times. It is part of a movement which is causing the world slowly to alter its point of view, and which is, I think, making for

the principle of general equality, in the eye of the law and the constitution, of women with men. The differences of temperament and ability which nature has established even an omnipotent Parliament can never alter. But Society, whatever Parliament may say, appears to be making progress towards a decision to leave it to nature and not law to set the limits. It is therefore obvious that in what I have to say before a University which is full of the spirit of the age, I must speak to all of you without much regard to your sex. And if I divine aright the mood of those of the gentler sex here present, they will not take it amiss if I address all who are present as though they were men.

Well, hastening away from this merely introductory point, let me relieve your minds by saying that it is my purpose neither to indulge in introspection, nor to betake myself to the region of reminiscence. It is not the past that interests me. I wish rather to speak of aspects of life which at one period in it are very much the same for most of us. These aspects of life present themselves irresistibly when we enter the University. It is then that we students become anxious about many things. These things include, for some at all events, the outlook on existence and doubt about its meaning. Then there is concern as to the choice of a career, and as to success in it or failure. There is the sense of new responsibilities which press themselves on us as we enter upon man-

hood, and the feeling that everything is difficult and illusive. We may be troubled about our souls, or again, we may be keenly concerned as to how we can most quickly become self-supporting and cease to be a burden on others ill able to bear it. All these topics, and others besides of a less high order, crowd on the undergraduate as he finds that he has parted with his irresponsible boyhood, and has to think for himself. He feels that he can no longer look to others for guidance. He knows that he must shape his own destiny and work out his own salvation. The situation has its special temptations. He is in danger of some evils against which the Prophets have warned us all, and especially of a morbid concentration on his own private concerns, a concentration that is apt to result in a self-consciousness which may amount to egotism and impair his strength :

“The man,” Wordsworth tells us, “whose eye  
Is ever on himself doth look on one,  
The least of Nature’s works,—one who might move  
The wise man to that scorn which wisdom holds  
Unlawful ever.”

Now from this danger every one of us, young or old, has got to guard himself. In life we are subject to all sorts of reverses, great and small. There is only one way of providing against the depression which they bring in their train, and that is by acquiring the large outlook which shows that they are not the most important things in life. The undergraduate may find himself ploughed in an examination, or in



debt, or for that matter, and do not let us overlook its possibility, hopeless in a love affair. Or he may suffer from the depression which is deepest when it arises from no external cause. If he would escape from the consequent sense of despair he must visualise his feelings and set them in relief by seeking and searching out their grounds. It is probably his best chance of deliverance. For these feelings often turn out on resolute scrutiny to arise from the obsession of his own personality. This obsession may assume varied forms. It may become really morbid. There is a remarkable book by a modern man of genius, one whom Nietzsche and Ibsen both held in high esteem—the *Inferno* of August Strindberg—where you may read with advantage if you would be warned against a self-concentration that verges on the insane. There is another and better-known book, which in my time at the University was much read, and which is, I think, still much read, Carlyle's *Sartor Resartus*. There you have an analysis of the very process of deliverance of which I am speaking. The hero works out his own relief from the burden of his own depression. It is not exclusively a Christian book; indeed I doubt whether in his heart Carlyle called himself a Christian. But it exhibits certain features of the way by which, in substance and in reality, men are required by all the greatest religions to seek their salvation. These features Carlyle describes in his pictorial fashion. Teufelsdröck, weighed down



by depression, but never wholly losing courage, is one hot day toiling along the Rue St. Thomas de l'Enfer, when the light flashes on him, and he puts to himself this :—"What art thou afraid of . . . Hast thou not a heart; can'st thou not suffer whatever it be; and as a Child of Freedom, though outcast, trample Tophet itself under thy feet, while it consumes thee." Then through his soul, Carlyle tells us, rushed a stream of fire, and he shook fear away from him forever. The Everlasting No had said "Behold thou art fatherless, outcast, and the Universe is mine (the Devil's)"; to which his whole Me made answer—"I am not thine, but Free, and forever hate thee." Later on, the diagnosis of his malady becomes clear to him. The source of the disease of his spirit has been vanity and the claim for happiness. This he has now been taught to do without. For he has learned that the fraction of life can be increased in value, not so much by increasing the numerator as by lessening the denominator. He finds, indeed, that unity itself divided by zero will result in infinity: Let him make his claim of wages a zero, and he has the world under his feet. For it is only with renunciation that the world can be said to begin. He must, as Carlyle puts it, close his Byron and open his Goethe. He must seek blessedness rather than happiness—love not pleasure but God. "This is the Everlasting Yea, wherein all contradiction is solved; wherein who walks and works it is well with him."

That was what Carlyle used to teach us students forty years ago, and I doubt not that he teaches the same spiritual lesson to many of you to-day. It is not, as I have already said, in form the language of Christianity. None the less, it substantially agrees with much in the doctrine of the Gospels. It gives us, in Carlyle's particular style, the highest spiritual expression at the highest level that man has reached. The form matters little. Everyone must express to himself these things in the fashion that best suits his individuality. It is a question of temperament and association. Yet we all assent in our hearts, whatever be the form of our creed, to such doctrine, whether it be given in the words of the Founder of Christianity or of modern thinkers. Professor Bosanquet worked it out in a new shape in the Gifford Lectures which he delivered in this University last year. There he sought to exhibit the world as a "vale of soul-making," to use the phrase which he borrowed from Keats, in which the soul reached most nearly to perfection by accepting without hesitating, the station and the duties which the contingencies of existence had assigned to it, and by striving to do its best with them. Looked at in the light that comes from the Eternal within our breasts the real question was not whether health or wealth or success were ours. For the differences in degree of these were but droplets in the ocean of Eternity. What did matter, and what was of infinite consequence, was that

we should be ready to accept with willingness the burden and the obligation which life had cast on us individually, and be able to see that in accepting it, hard as it might be to do so, we were choosing a blessedness which meant far more for us than what is commonly called happiness could. We should rather be proud that the burden fell to us who had learned how to bear it. It thus, I may add by way of illustration of Mr. Bosanquet's words, was no sense of defeat, no meaningless cry of emotion, which prompted Emily Brontë when she defined her creed:—

“And if I pray the only prayer  
That moves my lips for me,  
Leave me the heart that now I bear  
And give me liberty :  
Yes, as my swift days near their goal  
’Tis all that I implore,  
In life and death a chainless soul,  
With courage to endure.”

There is a passage in the fifth of the second series of these Gifford Lectures which expresses the other aspect of this great truth:—

“If we are arranging any system or enterprise of a really intimate character for persons closely united in mind and thoroughly penetrated with the spirit of the whole—persons not at arm's length to one another—all the presuppositions of individualistic justice at once fall to the ground. We do not give the ‘best’ man the most comfort, the easiest task, or even, so far as the conduct of the enterprise is concerned,

the highest reward. We give him the greatest responsibility, the severest toil and hazard, the most continuous and exacting toil and self-sacrifice. It is true and inevitable, for the reasons we have pointed out as affecting all finite life, that in a certain way and degree honour and material reward do follow on merit in this world. They follow, we may say, mostly wrong; but the world, in its rough working, by its own rough and ready standards, thinks it necessary to attempt to appraise the finite individual unit; this is, in fact, the individualistic justice, which, when we find it shattered and despised by the Universe, calls out the pessimism we are discussing. But the more intimate and spiritual is the enterprise, the more does the true honour and reward restrict itself to what lives

“In those pure eyes  
And perfect witness of all judging Jove.”

I am probably addressing at this moment some of you who have come to our University of Edinburgh from the great but far distant country of India. There your wisest and greatest thinkers have expressed a similar truth in a similar way. Some of your best teachers of Eastern philosophy have lately been among us and have spoken to us in Great Britain. The response of their hearers has been a real one. For the greatest sayings about the meaning of life come to the same thing, however and wherever they have been uttered. Perhaps



nowhere more than in the East has the language of poetry and philosophy been wonderfully combined. This blending of Art with Thought has enabled master minds to shake themselves free of the narrowing influence of conventional categories, and has thereby made philosophy easier of approach. The thinkers of the East have been keenly aware of the chilling influence of the shadow of self. I will cite to you some words from the *Gitanjali* of a prominent and highly-gifted leader of opinion, Rabindranath Tagore, who has been recently preaching and teaching in this country :—

“I came out alone on my way to my tryst. But who is this that follows me in the silent dark? I move aside to avoid his presence, but I escape him not. He makes the dust rise from the earth with his swagger; he adds his loud voice to every word that I utter. He is my own little self, my lord, he knows no shame; but I am ashamed to come to the door in his company . . . .

“Prisoner, tell me, who was it that bound you? It was my master, said the prisoner. I thought I could outdo everybody in the world in wealth and power, and I amassed in my own treasure house the money due to the King. When sleep overcame me I lay on the bed that was for my lord, and on waking up I found I was a prisoner in my own treasure-house. Prisoner, tell me who it was that wrought this unbreakable chain. It was I, said the prisoner, who forged this chain very carefully. I thought

my invincible power would hold the world captive, leaving me in a freedom undisturbed. Thus night and day I worked at the chain with huge fires and cruel hard strokes. When at last the work was done, and the links were complete and unbreakable, I found that it held me in its grip."

What is the lesson of it all? It is that you must aim at the largest and widest view of life, and devote your highest energies to attaining it. This view of life, with its sustaining power, will come to you if you strive hard enough, in one form or another, according to temperament, intellectual and moral. To some it will come in the form of Christianity, to others in that of some other high religion, it may be one originating in the East. To yet others it will come in more abstract form, in the shape of philosophy. To yet others Art will bring the embodiment of the truth that the ideal and the real, the infinite and the finite, do not really exist apart, but are different aspects of a single reality. Such a faith, if it comes, will, as the experience of countless thousands in different ages has shown, help you in sickness or in health, in poverty or in wealth, in depression or in exaltation. Only this faith must be a real faith. No mere opinion, still less mere lip service, can supply its place. It necessitates renunciation of the lower for the higher, and the renunciation must be a real renunciation—extending, if need be, to life itself. "Life itself is not the highest good": "Das Leben ist der Güter höchstes

nicht," says Schiller in the end of a great poem. The line became at one time deeply familiar to the students at Heidelberg, because of an incident which was dramatic in its suddenness. One of their great teachers, Daub, the theologian, at the end of a lecture sank dead in his professor's chair with these words of Schiller on his lips.

In my time we were troubled about our orthodoxy more, I think, than you are to-day. It was in the Victorian period, a period in which we seemed to be bidden to choose between the scientific view of life and the religious view. We are told by high authorities that both could not be true, and that we must make our election. But the outlook has widened since those days, and you have a greater freedom of choice. Men of science have seen their conceptions subjected to searching examination and criticism. Whether they hold with M. Bergson, or whether they hold with the Idealists, or whether they pledge themselves to no philosophy, but simply aim at believing in all the phases of the world as it presents itself, the best equipped investigators no longer jump to the assumption that the Universe is a substance existing wholly independently of mind, and organised in relations that are limited to those of mechanism. We look nowadays to mind for the interpretation of matter, rather than to matter as the *prius* and source of mind. We seek for God, not without, but within. And this attitude is reflected in that of the Church. For the Church

no longer sets up in pulpits the sort of spiritualism which was little else than a counter-materialism to that of the men of science. The preachers are less exclusively concerned with the old and crude dogmas, and are more occupied with the effort to raise the thought and feeling of their hearers to a level higher than that of the ordinary abstractions of science and of everyday life itself. And so it has come about that you to-day are delivered from some at least of the perplexities which beset us, your predecessors, as we walked on the Braid Hills and endeavoured to find spiritual ground on which we could firmly plant our feet. The hindrances to spiritual life are to-day of a different order. They are moral rather than intellectual. They arise more from a lessened readiness to accept authority of any kind than was the case two generations ago. But at least your task is freed from a set of obstacles which in those days were serious. You may find it hard to take the same interest in the letter of the creeds as we did. But the spirit remains the same, under whatever form religion attracts you, and the spirit is to-day more easy of approach and provokes less readily to rebellion.

What I would urge upon you is that you should avoid the practice, one that is not uncommon among young men, but is really unnatural, of affecting indifference or cynicism about these things. They are of the last importance, and it is of practical importance to have the habit of so regarding them. For



without them but few will be steeled against the misfortunes of which life is full for nearly all of us, and the depressing uncertainties which render its conduct difficult. To those who are worth most there comes home early in life the conviction that, in the absence of a firm hold on what is abiding, life becomes a poorer and poorer affair the longer it lasts. And the only foundation of what is abiding is the sense of the reality of what is spiritual—the constant presence of the God who is not far away in the skies, but is here within our minds and hearts.

That is what I wished to say to you about what seems to me the deepest-lying and most real fact of life. I now turn to quite another phase of the question of its conduct. How is the student, with or without the supreme source of strength of which I have spoken, to prepare himself so that he will have the best chances of success? To me this question does not seem a difficult one to answer. I have seen something of men and of affairs. I have observed the alternations of success and failure in various professions and occupations. I have myself experienced many ups and downs, and in the course of my own life have made abundant mistakes. It always interests me to look back and observe in the light of later and fuller knowledge how I came to fail on particular occasions. And the result of the scrutiny has been to render it clear that the mistakes and failures would nearly always have been avoided had I at the time been possessed of more real

knowledge and of firmer decision and persistence. We all, or nearly all, get a fair number of chances in life. But we often do not know enough to be able to take them, and we still more often pass them by, unconscious that they exist. Get knowledge and get courage. And when you have come to a deliberate decision, then go ahead, and go ahead with grim and unshakable resolution to persist. It is not everyone who can do this. But everyone can improve his quality in this respect. It is partly matter of temperament, but it is also largely matter of acquired habit of mind and body. You can train yourself to increased intellectual and moral energy as you can train yourself for physical efficiency in the playing field. Both kinds of training turn largely on self-discipline, abstention, and concentration of purpose, following on a clear realisation of exactly what it is that you have set yourself to accomplish. But there is an insidious temptation to be avoided. Few things disgust his fellow men more, or render them more unwilling to help him, than self-seeking or egotism on the part of a man who is striving to get on. A thoroughly selfish fellow may score small successes, but he will in the end find himself heavily handicapped in the effort to attain really great success. Selfishness is a vice, and a thoroughly ugly one. When he takes thought exclusively of himself, a man does not violate only the canons of religion and morality. He is untrue to the obligations of his station in society, he is

neglecting his own interests, and he will inevitably and quickly be found out. I have often watched the disastrous consequences of this sin, both in private and in public life. It is an insidious sin. It leads to the production of the hard small-minded man, and, in its milder form, of the prig. Both are ill-equipped for the final race; they may get ahead at first; but as a rule they will be found to have fallen out when the last lap is reached. It is the man who possesses the virtue of true humility, and who thinks of his neighbours, and is neither critical nor a grumbler if they have good fortune, who has his neighbours on his side, and therefore in the end gets the best chance, even in this world, assuming always that he puts his soul into his own work. Therefore avoid the example of poor Martha. Her sister Mary loved to sit at the feet of Jesus and to hear His word. The burden of the household work, doubtless, for the time fell rather heavily on Martha. Instead of being cheerful and glad at what had come to her sister she got into a complaining mood. She was cumbered about with much serving, and she grumbled: "Lord, dost thou not care that my sister hath left me to serve alone?" But the Master answered, "Martha, Martha, thou art careful and troubled about many things. But one thing is needful, and Mary has chosen that good part." There are a good many Marthas in our Universities, and they belong to both sexes. How common it is to hear grudging praise given, and the student

complaining of the better luck which has given undue advantage to his neighbour. Now, there may be undue advantage in circumstances, and there often is. But according to my experience it makes far less difference in the long run than is popularly supposed. What does make the difference is tenacity of purpose. A man succeeds in four cases out of five, because of what is in him, by unflagging adhesion to his plan of life, and not by reason of outside help or luck. It is rarely that he need be afraid of shouldering an extra burden to help either himself or a neighbour. The strain it imposes on him is compensated by the strength that effort and self-discipline bring. And therefore the complaints of our Marthas are mainly beside the point. They arise from the old failing of self-centredness—the failing which has many forms, ranging from a mild selfishness up to ego-mania. And in whatever form the failing may clothe itself it produces weakness.

There is another aspect germane to it about which, speaking to you as one who has seen a good deal of affairs and of the world, I wish to say something. Independence of character is a fine thing, but we are apt to mistake for it what is really want of consideration for others. If we do not impose on ourselves a good deal of self-restraint we may readily jar on other people. We may be unconscious of the jarring manner. That is very common. But it ought to be avoided. It is worth the while of everyone, and from every point of view, that of his



own worldly interest included, to practise himself in the social virtue of courtesy and urbane manners. But it is more than a social virtue. In its best form it arises from goodness of heart. Some of the finest manners I have met with I have met with in cottages, because there I have found some of the most considerate of people. Courtesy is an endowment which men can acquire for themselves, and it is an endowment which is well worth acquiring. I have, to put its utility at its lowest, seen many instances of gifted men ruining their chances of getting on in life simply from want of manners. It is well worth while to try to act naturally and without self-consciousness, and above all, kindly. That is how dignity is best preserved. Some men have a natural gift for it. All ought to try to acquire it. Emerson has written an admirable essay on manners which I advise you all to read. "Defect in manners," he says, "is usually defect in fine perceptions." He, like Goethe, laid great stress on urbanity and dignity. These two great critics of life were both keenly aware of what injustice people do to themselves and to their prospects in life by not attending to the graces, which in their best form come from goodness of heart and the fine perceptions which accompany that goodness. It makes a great difference to ourselves if we are careful in considering the feelings and repugnances of other people in small things as well as in great. Let us try to be too large-minded to resent an apparent want

of consideration for ourselves which really comes, in most cases, from defective manners in those with whom we may have to deal. Let us accept what comes to us undisturbed. Given the same qualities, a man will be stronger as well as better, and will have more power of influencing circumstances as well as other people, if he is resolute in accepting without complaint what comes to him, and remembers the duties of his station in life, and thinks of others as much as of himself. It was something of this sort, I think, that Cromwell really had in his mind when he said to Bellievre, the French Ambassador, that "no man rises so high as he who knows not whither he is going." No doubt Cromwell thought also of the great gift of the objective mind, the mind that has no illusion, because it always turns to a great purpose, and is not deflected by its consciousness of self. But what he said applies to a less unusual type of mind just as much. It is the man who accepts his obligation to those around him, and who does his work in his station in life, great or small, whatever that station may be, with indifference as to the consequence to himself and without thought of what may happen to him individually, who makes the real impression on his fellow competitors. First, think it all out to the best of your ability, and then go straight forward on the principles and with the objects on which you have fixed, looking neither to the right nor to the left. Your principles and your objects must be high—the

higher the better. And when you have grasped them resolve to hold to them tenaciously and over a long period. It matters less whether you have hit initially on the plan that is theoretically perfect than whether you throw yourself into it unswervingly and stick to it with all your might. Unswerving purpose and concentration are of the last importance. Stick to plans once formed, and do not let yourself think of changing them unless for the clearest reasons. It is firmness and persistence that bring success in the end probably more than anything else. You may be beaten at first; you may have to wait. But the courage that is undaunted and can endure generally at last prevails.

When my relative and predecessor in the office of Lord Chancellor, John Scott, Lord Eldon, was asked what was the real way to insure for young men success at the Bar, he replied:—"I know no rule to give them but that they must make up their minds to live like a hermit and work like a horse." He had himself, in a notable fashion, put his precept into practice. But here again I must utter a word of warning about the precept of my distinguished relative. The rule of practice which I have quoted from him I believe to be indispensable, whatever career you choose. But in carrying it into effect you must guard against the temptation to become what is called too practical, that is to say, narrow and uninteresting. Youth, with its elasticity and bound-

less energy, is the time to lay the foundations of wide knowledge and catholic interests. The wider and more catholic these are the better, provided that they do not distract you from the necessary concentration on your special object. They need not do so. Time is infinitely long for him who knows how to use it, and the mind is not like a cubic measure that can contain only a definite amount. Increase, therefore, wherever you can, without becoming amateurs in your own calling, the range of your interests. Every man and woman is, after all, a citizen in a State. Therefore let us see to it that there is not lacking that interest in the larger life of the social whole which is the justification of a real title to have a voice and a vote. Literature, philosophy, religion, are all widening interests. So is science, so are music and the fine arts. Let everyone concern himself with these or such of them as he thinks can really appeal to him. So only will his outlook be wide enough to enable him to fill his station and discharge his duties with distinction. He ought to be master of much knowledge besides that of his profession. He must try to think greatly and widely. So only will he succeed if he is called to the higher vocations where leadership is essential. For there is a lower class, a middle class, and an aristocracy of intelligence. The lower class may do some things better than the intellectual aristocrat. I have known Senior Wranglers who would have been below par as bank clerks. Again, there is a large



class of skilled work, some of it requiring long training and even initiative, which is done better by competent permanent officials than by statesmen even of a high order. But when we come to the highest order of work it is different. There is a common cry that this, too, should be left to the expert. There is no more complete misinterpretation of a situation. The mere expert, if he were charged with the devising and execution of high aims and policy, would be at sea among a multitude of apparently conflicting considerations. What is the relation of a particular plan to a great national policy and to far-reaching principles and ends? Questions like these must always be for the true leader and not for the specialist. But if the former is wise, as soon as he has made up his mind clearly as to what he wants, he will choose his expert and consult him at every turn, and entrust him freely with the execution of a policy for which he himself will remain responsible. Such a course requires capacity of a high kind and the widest sort of knowledge. But without it success is impossible. No man can know or do everything himself, and the great man of affairs always knows how and what to delegate. The procedure of such men in their work is instructive as to other and less responsible situations. They are never overwhelmed with that work, because their knowledge and their insight enables them to sift out what they themselves must do, and to entrust the rest freely to picked subordinates. For

the spirit that is necessary to develop this gift in the higher callings in life, the wide outlook, the training in which can be commenced in the University better than anywhere else, is of vital importance. Whether a man is to be teacher, or doctor, or lawyer, or minister of religion, it is width of outlook that for most men in the end makes the difference. Of course for genius there is no rule, and great natural talent of the rarer order can also dispense with much. But I wish to say to you emphatically that it is just here and now, in your student years, that you make yourselves what you will be, and that you are, nearly all of you, most responsible for your failure or success in later life. It is not that I think a purely intellectual life something of which everything else must fall short; far from it. You have only to read the Gospels to find the conclusive demonstration that this is not so. But I do think that the atmosphere of intelligence is the atmosphere where the inner life, whatever it may be, most completely expands and culminates.

Bacon, in his essay on "Studies," uses some words which we do well to bear in mind if we would keep our sense of proportion: "Studies," he says, "serve for delight, for ornament, and for ability. Their chief use for delight is in privateness and retiring; for ornament is in discourse; and for ability is in the judgment and disposition of business. For expert men can execute, and perhaps judge of, particulars one by one. But the general counsels and the

plots and marshalling of affairs come best from those that are *learned*. To spend too much time in studies is sloth. To use them too much for ornament is affectation; to make judgment wholly by their rules is the humour of a scholar. They perfect nature and are perfected by experience." They perfect nature, for they provide an atmosphere in which natural gifts grow and expand. They are perfected by experience because their gaps are filled up by what we can learn in practical life alone, and the life of theory and the life of practice by reacting on and penetrating each other, form a truly proportioned entirety. The strength of men like Cromwell, like Napoleon, like Lincoln and like Bismarck, is their grasp of great principles and their resoluteness in carrying them into application. For even where great men have not been of the scholar class they have been under the domination of beliefs which rested on a foundation of principle and were inspired to the extent of becoming suffused by passion. And without passion nothing great is or ever has been accomplished. I do not mean by passion violent or obvious emotion. I mean the concentration which gives rise to singleness of purpose in forming and executing great plans, and is, in fact, a passion for excellence. And if this exists enough in you to bring you into leadership of any kind at the University it will probably again bring you into leadership later on in life, provided always that

you select your line of action with prudence and hold to it undeviatingly.

I have not said to you anything particularly new or much that you have not often heard before in different words. But I did not come here to say new things. The obvious is what is generally neglected. I have come here as an old student to speak to students who are not yet old, and to act the part of a friend by trying to point out the character of the road ahead of them, and the places that are difficult. It is because I have traversed some of these difficult places myself that I have not hesitated to speak to you. It is so that we can most readily be helpful to each other. I have no longer a great number of years to look forward to, but I have a great many to look back upon. And I am myself an old *alumnus* of this University who remembers well the days when he would have given a good deal to know the real experience and conclusions of those who had gone before him along the road he had to follow.

This is what I would say to you in conclusion. It is not true that with the increase of numbers and competition life offers fewer prizes in proportion to the multitude who are now striving for them. With the progress of science and the advance in the complicated processes of specialisation and distribution of function, there are arising more and more openings, and more and more chances for those who aspire to succeed in the competition which exists everywhere. I believe that the undergraduates whom



I see before me have better prospects than existed forty years ago. There are far more possible ways of rising. But the standards are rising also, and high quality and hard work are more than ever essential. The spread of learning has had a democratic tendency. Those who are to have the prizes of life are chosen on their merits more than ever before. It must, however, always be borne in mind that character and integrity count in the market place among these merits as well as do knowledge and ability. For the man who possesses both capacity and character, and who, having selected his path, sticks to his plan of life undeviatingly, the chances of success seem to me to-day very great. But wisdom means more than attention to the gospel of getting on. Life will at the end seem a poor affair if the fruits of its exertions are to be no more than material acquisitions. From the cradle to the grave it is a course of development, and the development of quality as much as quantity ought to continue to the last. For it is in the quality of the whole, judged in all its proportions and in the outlook on the Eternal which has been gained, that the test of the highest success lies, the success that is greatest when the very greatness of its standards brings in its train a deep sense of humility. That was why Goethe, in a memorable sentence, said something with which I will conclude this address:—"The fashion of this world passes away, and it is with what is abiding that I would fain concern myself."



THE MEANING OF TRUTH IN  
HISTORY.

*The Creighton Lecture delivered before the  
University of London on 6th March, 1914.*





## THE MEANING OF TRUTH IN HISTORY.

THE occasion on which it is my privilege to address you is one which is associated with the name of a remarkable man. He possessed gifts of intellect and of character which would have made him eminent in careers other than the one he chose for himself. But he held tenaciously the principle, adherence to which is essential for a man who genuinely aspires to accomplish anything lasting. He knew that he must concentrate, and he did so. He lived a dedicated life—dedicated to the service of his God and his Church, as he conceived them. Such were his gifts that his work deeply impressed with the sense of its reality those who were permitted to come near him. The impression he made was heightened by his obvious conviction that he could best render the service to which he had consecrated his life by following truth unswervingly, and seeking as well as he could to extend the province of genuine knowledge. The result of an unfaltering adherence to this principle was that his writings produced on the public an impression of sincerity and thoroughness, an impression which deepened as time went on. In so far

as he devoted his gifts to the study of history, it was therefore natural that his integrity of purpose and his desire for the truth should lead to his becoming known and trusted as an historian of a wide and searching outlook.

It accords with what is fitting that among the memorials erected to him there should have been included this lectureship. To me it has fallen to be the lecturer this year, and to choose a topic that is appropriate. What Bishop Creighton cared for in historical work was, above all, to treat the facts justly, to see things not merely on the side that is external and superficial and therefore transitory, but in their fuller and more enduring significance. It is out of a feeling of respect for this characteristic of his life and writing that I have selected for my subject "The Meaning of Truth in History."

But the subject is full of difficulty. As decade succeeds decade, we in this country are learning more and more, in science, in art, and in religion alike, that the question, "What is Truth?" is a question of far-reaching significance, a significance that seems to reach farther the more we reflect. And the perplexity of the question extends not least to the case of the historian. For it seems to-day that the genuine historian must be more than a biographer or a recorder. The field of his enquiry cannot be limited by the personality of any single human being, nor can it be occupied by any mere enumeration of details or chronicle of events. A great man, such as Cæsar or Charlemagne,

may stand for a period, but his personality is, after all, a feature that is transitory. The spirit of the age is generally greater and more lasting than the spirit of any individual. The spirit of the age is also more than a mere aggregate of the events that a period can display, or than any mere sum of individual wills. What, then, is to be the standard of truth for the historian? The analogy of the artist who paints a portrait may prove not without significance for the answer to this question. The great artist does not put on canvas a simple reproduction of the appearance of his subject at a particular moment; that is the work of the photographer. Art, in the highest sense, has to disentangle the significance of the whole from its details and to reproduce it. The truth of art is a truth that must thus be born again of the artist's mind. No mere narration of details will give the whole that at once dominates these details and yet does not exist apart from them. But art, with its freedom to choose and to reject, selects details and moulds them into a shape that is symbolic of what is at once ideal and real. In art, thought and sense enter into the closest union, or rather they form an entirety within which both are abstractions from an actual that does not let itself be broken up.

Now the historian surely must resemble the portrait painter rather than the photographer. The secret of the art of a Gibbon or a Mommsen seems to lie in this : that they select their details,

select those that are relevant and that can be moulded into a characteristic setting without sacrifice of integrity or accuracy, a setting which is typical of a period. At some point or other we may want to have the details which have been passed by. We may want them for a picture of the period under another aspect. But we do not always want all the details. "Le secret d'ennuyer c'est tout dire." Carlyle passed much by when he wrote his French Revolution, and it is well that he did. We find what he left alone in other historians who present the story from a different standpoint. Just as there may be several portraits, all of superlative excellence, while differing in details and even in their presentation of actual features, so there may be several histories, equal in value, but differing in a similar fashion.

To judge, then, of excellence in the historian we must possess a standard not wholly dissimilar from that by which we judge of excellence in the artist. In the case of the artist, there can be little doubt about one point, at all events, in that standard. Whether it is nature or man that he presents, the image must interpret character. It does not detract from the truth of the work of the artist that the cottage and the figures in his landscape never existed exactly as he has painted them, or even at all. What is important is that they should suggest the deeper and more enduring meaning of what is actual, in the fullest and most important sense. The expression which the portrait painter has



put on canvas may be a rare one—the expression, perhaps of an individuality seized at a unique moment of existence. But all the more does that expression stand out as the truth about the real life of the man whose portrait is there. Now, the historian also is concerned with what is ideal. He is concerned with this just because it is only through the ideal that what has happened can be lifted above the particularity of the events that obscure its meaning. M. Renan has put this point admirably:—

“Il n’y a guère de détails certains en histoire; les détails cependant ont toujours quelque signification. Le talent de l’historien consiste à faire un ensemble vrai avec les traits qui ne sont vrai qu’à demi.” And again:—“L’histoire pure doit construire son édifice avec deux sortes de données, et, si j’ose le dire, deux facteurs; d’abord, l’état général de l’âme humaine en un siècle et dans un pays donnés; en second lieu, les incidents particuliers qui, se combinant avec les causes générales, ont déterminé le cours des événements. Expliquer l’histoire par des incidents est aussi faux que de l’expliquer par des principes purement philosophiques. Les deux explications doivent se soutenir et se compléter l’une l’autre.”<sup>1</sup>

The work of the historian and that of the artist seem to be so far analogous. Both are directed to finding the true expression of their subjects. Neither is concerned with accidents

1. ‘Vie de Jésus’, Préface de la treizième édition.

of detail that are fortuitous. But the analogy extends only a little way, for the subjects are very different. That of a portrait is, after all, a single and isolated personality. It is the business of the artist to express this personality, and to express it as a work of art in which thought and feeling are blended in a unity that cannot be broken up. But the historian is not concerned with any single personality. His work seems rather to be to display the development of a nation or of a period, and to record accurately, and in the light of the spirit of the nation or period, the sequence of events in which its character has manifested itself. Like the artist, the historian may omit many details. But he does not possess the freedom of the artist. What we ask from the great painter is his interpretation of a personality, and he may take liberties in imagining costume and background. Indeed, he often must take liberties, for the expression counts for more than circumstances which obscure rather than assist in revealing it. But the picture created by the historian, though it, too, can only be created by his genius and must be born of his mind, is of a different order. The presentation of the whole and the description of actual facts are here more closely related. Literal accuracy counts for much, for others than himself will claim the liberty to refer to his book for actual facts, and to interpret them, it may be, differently from his rendering. Thus the historian is under restrictions greater than those of the



artist. If he uses as complete a liberty as the artist claims, he is reckoned as belonging to quite a different profession, that of a writer of historical romance, such as the romances of Sir Walter Scott.

But this is not all. The artist depicts as what is characteristic an expression that may have been found only at one moment in the history of his subject. The historian has to present events and their meaning over a period that is often long. Even occurrences that seem isolated, like the execution of Charles I., or the taking of the Bastille, or the Battle of Waterloo, have to be shown as culminating events in a course of development which must be recorded because apart from it they lose their significance. It is only by tracing the genesis not merely of culminating events but of national institutions, and by exhibiting them as the outcome and embodiment of the genius of the people to whom they belong, that in many cases they can be made intelligible. This principle is the foundation of the historical method. It is a principle which to-day seems almost a commonplace, but it has not always been so. It is striking to observe how really great writers suffer when they violate it. Some extreme instances are to be found among the historians of Jurisprudence. I will take two cases of the kind, and I offer no apology for turning aside for a moment to the highly specialised branch of history from which I take them. For they are admirable examples of the fault in method

which I wish to illustrate. Moreover, I am a lawyer whose almost daily duty it is to ascertain the reasons why the law has become what it is, because unless I can do so I am bound to fail in the interpretation of its scope and authority. There has thus been forced on me direct experience of the embarrassment which the fault of which I am speaking causes. Those who have to consult almost daily otherwise great books dealing with the history of legal institutions encounter this fault in its worst form.

I will refer first to the shortcoming of a really remarkable Englishman. The case of Jeremy Bentham is notable. He ignored the light which history had to throw on the institutions about which he was writing, and his reputation thereby suffered. He rendered great services to the cause of law reform in England and elsewhere by the force of his destructive criticism. The very abstractness of his methods added to the incisiveness of this criticism. But when he describes, and even where he brings an indictment that is obviously true, he is, generally speaking, utterly defective as an historian. His unconsciousness of the genesis of the facts with which he is dealing is extraordinary in a man of such acuteness. He attributes the continued existence of bad laws to the unscrupulousness of contemporary rulers and judges, as if they had individually devised them. When, for example, with admirable insistence, he denounces the existence of the

rule which, contrary to what we now regard as plain common-sense, used to prevent a party to a suit from giving evidence in it, he is apparently unconscious of the fact that there was once a stage in the evolution of public opinion at which it was inevitable that the rule should be what it was.<sup>1</sup> While religious opinion dominated in matters secular, it was almost universally held that to allow an interested party to give evidence on his own behalf was to tempt him to perjury, and perjury, which meant everlasting damnation, seemed to our forefathers a more disastrous result than the loss of property. It was, in such a period, quite natural that public opinion should prefer spiritual safety to secular justice, and fashion law accordingly. We have to understand that this was so, if we would understand the history of the rules which restricted the admission of evidence in the Courts of England. That we have now passed to a different standpoint does not lessen the necessity. Bentham again, to take another example, denounced the Roman law as being a parcel of dissertations badly drawn up! He knew nothing of its history or of the circumstances of its development. He had not heard of the work of the great historical school of Roman law which Savigny was even then leading. His method was always to assume certain abstract

1. See his remarks on Blackstone and the Judges in his 'Rationale of the Judicial Evidence,' Book IX, C. 5 (Vol. 7 of Bowring's Edition of his Works).

principles, and to judge everything in their light without regard to time or place. He insisted on immediate codification, just as Savigny, on the other hand, insisted on the postponement of codes until the common law had completed a full course of natural growth. But Savigny himself, to take my second illustration, at times incurred the perils which are inseparable from occasional lapses into abstractness of mind. Although he was an apostle of the historical method, and, in general, took far more account of history than did Bentham, he, too, at moments, made what to a later generation have become mistakes. For example, he attacked the code which Napoleon had enacted for France. He attacked it on the ground that to enact such a code was unscientific.<sup>1</sup> He was probably right in desiring that the spirit of the great Roman lawyers should continue, at least for a time, to work throughout Germany, where it held sway, unobstructed by the rules of a rigid code. In that country, where the tradition of the Roman law actually occupied the field, the provisions of a code might well have proved not only unduly rigid, but also artificial. Yet his attack on Napoleon's great Code did not do justice to the overwhelming reasons for enacting it in France. France, unlike Germany, had, before Napoleon's time, no general body of laws. The different parts

1. See the section headed 'Die drei neuen Gesetzbücher', in his book 'Vom Beruf unsrer Zeit für Gesetzgebung und Rechts-wissenschaft.'



of the country were subject to utterly divergent systems, such as were the Customs of Paris and of Normandy. It was remarked by Voltaire that a man travelling in France in his own time changed laws as often as he changed horses. The rough common-sense of Napoleon saw that a general code was a necessity. He framed one that was not ideal, judged by the high standards of Savigny, but it was the best he could frame at a time when nothing was to be hoped for in the way of development on the basis of the prevailing laws. Gradual reform of this kind might well have been possible had the Roman law been the general foundation of a single system of jurisprudence in France. But it was not so, and Napoleon therefore took the course which the necessities of the time dictated.

I have cited these examples of the desirability of the historical spirit in estimating legal institutions, partly because they illustrate admirably the truth of the saying of Balduinus, a great jurist of the sixteenth century, "*Sine historiâ caecam esse jurisprudentiam.*" But I have cited them also because they illustrate the wider proposition that no event in history of any kind can be judged without full knowledge of its context and of the spirit of its particular age. The execution of Charles I. has been the subject of the hottest controversy. Did the tribunal which decreed it sit wholly without constitutional warrant, and was the trial conducted quite illegally? Probably both ques-

tions must be answered affirmatively from the standpoint of the common law. But this does not conclude the discussion. It is true that acts of the kind—that is, revolutionary acts—are outside the provisions of ordinary law. And yet they may be justified under what is called martial law, but is, in our country, only an application of the maxim, "*Salus populi suprema lex.*" Had Cromwell not put Charles to death, it was more than merely possible that Charles would have seized the first chance of putting Cromwell himself to death and of upsetting the new order of government. As Lord Morley, in his "*Life of Cromwell*," has pointed out, the real justification of Cromwell must depend on the question whether what can only be justified as an act of war, was or was not a public necessity. And the answer to this question requires that the problem should be approached as a large one, and in the spirit which demands a survey of the events of the periods both before and after the year 1649. The judgment of posterity upon the act of Oliver Cromwell must turn, not on what he was as an individual, but on the extent to which he was the representative figure in a movement which must be judged before he can be approved or condemned.

Now it is just this obligation of the historian that makes his work so difficult. Like the portrait painter, he has, in his search after expression, to select details, but he has to select them under far more stringent conditions as to



completeness and accuracy. Exact these details must be, but complete they cannot be. Much must be rejected as irrelevant. The test of relevancy is the standard of what is necessary, not merely for exactness, but for the adequate portraiture of the spirit of the time. And this test necessitates great insight into the characteristics of that spirit. Otherwise misleading details will be selected, and undue prominences and proportions will be assigned. The historian must be able to estimate what are the true and large characteristics of the age, and one test of his success will be, as in the case of the artist, the test of his stature. Can he rise high enough to present the truth in what, almost as it were by direct perception, we seem to recognise as a great form of deep significance? I say almost by direct perception, for the analogy of the intuition of art and literature appears to come in here. One recognises the quality of size in a Gibbon or a Carlyle, as one recognises it in the great portrait painter and the great dramatic poet. But in the domain of history the predominance of this quality is conditioned by the imperative duty to be accurate to an extent that is incumbent neither on the painter nor on the poet. The historian who has a whole period to describe must be more than exact; he has to be lord over his details. He must marshal these details and tower above them, and reject and select in the light of nothing less than the whole. He must not let his view of that whole, as has been the

case with both a Bossuet, on the one hand, and a Buckle, on the other, be distorted by *a priori* conceptions that are abstract and inadequate to the riches of the facts of life. He must frame his estimate after a study of the whole sequence of events, of those events which throw light on the conduct and characteristics of a nation in the variety of phases in its existence. It is just here that he is apt to be beset by obsessions that come from unconscious pre-judgments.

I wish to try to say something about the origin of this kind of temptation to pre-judgment—a temptation to which a long list of historians have succumbed in a greater or less degree. Indeed no one can wholly escape it. But it has various forms, some of which are worse than others. In those that are most misleading it seems to arise from an insufficiently considered application of the conceptions under which the observer searches after facts, conceptions which are often too narrow for the facts themselves. It appears as exactly the same kind of temptation as that into which in various forms students of the exact sciences have been prone to fall. I will therefore ask you to bear with me while I touch on the general subject of scientific method. For in every department of science just the same difficulty arises as arises in that of the historian, and the source of these difficulties in some branches of science can be easily traced. Facts are apt to be distorted in the mind of the observer by preconceived hypotheses of which he is hardly conscious.

The attempts which have been made to exhibit the life of an organism as the result of physical forces operating from without on an aggregate of minute mechanisms or chemical compounds, have, notwithstanding their usefulness from the point of view of physics and chemistry, fallen short as regards the nature of life itself. When we are confronted with the unquestionable facts of reproduction and heredity, these attempts have always broken down. We are driven to admit, not the existence of a special vital force controlling development from without, but the conception of something in the nature of an end realising itself, a whole which exists only in what it controls, but which, while it may still fall far short of conscious purpose, is not on that account less real. We may, indeed, dislike expressions which suggest abstract or even conscious purpose, and prefer, with the author of that remarkable book, "Creative Evolution," to speak of what is realised as a tendency rather than an end. But one thing is clear, however we may express ourselves. We must not let the terror of theology and the supernatural, which often afflicts men of science with fears, deflect us from our duty to be true in our descriptions to actual experience, and drive us by way of reaction into purely mechanistic theories which are inadequate to explain it. The history of biology seems to have been at times as sad an illustration of the dangers of anti-theological dogmas as it has at other

periods been of the dangers of those of a theological teleology.

In the same way, if we would know the truth about men and affairs, we must learn to study their history quite simply and with minds as free as we can make them from prejudice. Our preconceptions generally arise from our having unconsciously become metaphysicians. We do not need to be metaphysicians at all, except to the modest extent of knowing how to guard against falling without being aware of it into bad metaphysics. Unconscious prejudice is apt to tempt us to deny the reality of much of the world as it seems, and seek to stretch that world on the rack of some special principle of very limited application. The only way of safety is to train the mind to be on the watch for the intrusion of limited and exclusive ideas. If to yield to such intrusion is dangerous in the field of biology, the danger becomes still more apparent when we are confronted with the phenomena which belong to the region of human existence. We can neither deny the reality of the moral and intellectual atmosphere in which, as persons, we live and move and have our being, nor resolve it into the constructions which represent the utmost limits attainable by the mathematical and physical sciences. Of all that really lives, Goethe's well-known criticism appears to be true:—

“Wer will was Lebendig's erkennen und beschreiben  
Sucht erst den Geist heraus zu treiben,  
Dan hat er die Theile in seiner Hand,  
Fehlt leider nur das geistige Band.”



In point of fact, the warning which Goethe gave to the biologist of his time is not less important for the student of history. The latter, also, must refuse the injunctions to limit his outlook which come from the materialist, and he must refuse not less sternly the counter-materialism of those who would seek in the events of the world only for the interference and mechanical guidance of a Power operating from without. He must recognise, too, the reality of social wholes, outside of which individuals cannot live—social wholes which are actual just in so far as the individuals who compose them in some measure think and will identically. For, apart from his social surroundings, the individual appears to have no adequate life. Such social wholes cannot be satisfactorily described in biological language. The practice of attempting so to express them is a very common one. People talk of social organisms and their development by means of natural selection. But in speaking of the organisation of society and of its development, we have passed into a region where the categories of biology are not adequate. In this region we only darken counsel by using phrases drawn from the vocabulary of a branch of knowledge that does not take account of conscious purpose and of the intelligence and volition which are characteristic of persons as distinguished from organisms. No doubt human beings are organisms. But they are also much more than organisms. The biological

method in history and sociology is therefore unsatisfactory. It may be and sometimes must be used, just as are the methods of physics and chemistry in biology itself. But its application ought always to be a restricted and guarded one, because, if the application is made uncritically, the reality of much that is actual in present and past alike will inevitably be ignored. Darwinian methods and conceptions avail here only to a very limited extent. For the social wholes with which history has to deal are conscious wholes representing intelligence and volition.

And this is why the historian is not only at liberty but is bound to recognise in the spirit of an age something of which he can legitimately take account. It is also the reason why he can never be a mere recorder, and why he must always be a man of Art as well as of Science. For Art alone can adequately make the idea of the whole shine forth in the particulars in which it is immanent, and this is as true of the history of a period as it is of a moment in the life of a man.

In saying these things, I am far from suggesting that the historian should become a student of philosophy with a view to having a standpoint of his own. I have touched on the topic for a directly contrary purpose. I am anxious that he should not unconsciously commit the fault of a Bossuet or a Bentham or a Buckle by slipping into a philosophical attitude without knowing it. It may well be



that he cannot avoid placing himself at some particular standpoint for the purposes of his review. Most historians seem to me to do so to a greater or less degree. What I am concerned about is simply to make it plain that the choice of such a standpoint is no easy matter, or one that a man dare lightly adventure. And I have said what I have, simply for the purpose of laying emphasis on the need, in making such a choice, of knowledge of the alternatives and consciousness of the magnitude of the field of controversy. The historian has to approach the records of the experience of nations with a mind sufficiently open to enable him to attach weight to every phase of that experience. His conception of it must be sufficiently wide to enable him to take account of every aspect which he may encounter. He must exclude neither rationality nor irrationality. Now, if experience thus conceived be the material on which the historian has to operate, his method must not be either to search for and record isolated facts which can never really be interpreted apart from their context, or to set out abstract principles. The very width of his field of research must necessitate the selection of his facts, and their relation to each other and to the particular system in which alone they have their meaning. For meaning is the foundation of system in history. The sense of this, and the extraordinary difficulty which the historian has in determining what is relevant and what is not relevant to a true interpretation, has caused

some critics to despair of history, and others to try to confine its task in a fashion which, if strictly carried out, would deprive the historian of the chance of calling to his aid the method of the artist. It is interesting to observe to what lengths these two divergent tendencies have been carried.

I will refer first to the criticism which rejects the possibility of reliable history altogether. In his "Farbenlehre," Goethe makes an observation on the value of exact records. "We are told," he says, "to look to the spirit rather than to the letter. Usually, however, the spirit has destroyed the letter, or has so altered it that nothing remains of its original character and significance." He puts the same thought in another fashion when he makes Faust say to Wagner, in an often-quoted passage:—

"Mein Freund, die Zeiten der Vergangenheit,  
Sind uns ein Buch mit sieben Siegeln;  
Was ihr den Geist der Zeiten heisst.  
Das ist im Grund der Herren eigner Geist  
In dem die Zeiten sich bespiegeln."

This seems a highly sceptical utterance. The historian is told that he can succeed neither in recovering the spirit of the past, nor in discovering its letter. And if the historian were faced with the dilemma Goethe puts to him, his case would indeed be a difficult one. But is it so? Let us look at the case of records. Goethe was no doubt right in his scepticism about mere records. For if a man indulges himself with the belief that in quoting records accurately he

is collecting the truth about the history of a period, he is indulging himself rashly. What do such records consist of? Biographies written at the time, letters, and State papers are their main forms. As to the biographies, they are often valuable as presenting a fine portrait of their subject; and the narrative and the correspondence quoted are, of course, of much use. But they are almost invariably coloured. The selection of material is necessarily dependent on the object with which the selection is made, and that is the biography of one man. You have only to read another biography, that of his political rival, in order, if they were both famous men, to realise that whatever value the story possesses as portraiture, it is by no means to be relied on implicitly for a scientific record of the facts. Lord Morley, in his "Notes on Politics and History," quotes Bismarck on this point. Reading a book of superior calibre, that remarkable man once came, so Lord Morley tells us, on a portrait of an eminent personage whom he had known well. "Such a man as is described here," he cried, "never existed. It is not in diplomatic materials, but in their life of every day that you come to know men." So, remarks Lord Morley, does a singularly good judge warn us of the perils of archival research.

As to isolated letters, there again colour is inevitably present. The writers, however intimately acquainted with the facts, are too near

to see them in their proper perspective. From their correspondence many fragments of solid and useful fact may be extracted; but the bulk of what is there is, taken by itself, unreliable material for the historian. It is only by careful selection from a variety of sources, and by recasting—that is, by following the method of Art rather than that of Science—that he can produce the true expression of the period as a living whole.

State papers, again, are written by Ministers, or by diplomatists, or, more often, by their officials under somewhat loose inspiration. They embody the view of the moment. Their value is mainly a passing one. They may contain documents of more than passing value, treaties or agreements or plans which have subsequently been translated into action. But as material out of which a scientific and lasting account of the facts can be reconstructed, they suffer from inevitable because inherent defects. Ambassadors' letters and the letters written to them are documents in which the impressions of the moment are recorded, impressions which are very often evanescent. Such documents are, from the circumstances in which they are composed, almost always fragmentary and incomplete. In public life the point of view is constantly changing. If a hundred years after this an historian, desiring to describe the relations between Great Britain and Germany, or between the former country and France, in the commencement of the twentieth century,



were to confine himself to the State papers of particular years, he would be misled. He would see little to explain the rapid evolution and change that had taken place within a very brief period. Nor could he ever discover the traces of almost imperceptible and rarely recorded influences and incidents which had stimulated the development. This is true of the evolution of policy at home as well as abroad. Speaking with some knowledge of what has gone on from day to day during the last eight years of the public life of this country, my experience has impressed me with a strong feeling that to try to reconstruct the story from State papers or newspaper accounts or letters or biographical sources would be at present, and must for some time remain, a hopeless attempt. And I know from my conversations with men of still longer and greater experience that they hold this view as strongly as I do. The materials so afforded must be used at a later period by a man who possesses the gifts requisite for presenting the narrative as that of an organic whole, and that organic whole must in its expression be born afresh in his mind. So only will he present a picture of what actually happened in a period of history. The historian will fail hopelessly if he seeks to be a mere recorder. For the truth about the whole, the expression of which is what matters, was not realised in its completeness until time and the working of the spirit of the period had enabled the process developed in a succession

of particular events to be completed. It is a mistake to suppose that statesmen are always conscious of the ends which they are accomplishing. It is not by the piecing together of mechanical fragments, but by a process more akin to the development of life, that societies grow and are changed.

There is thus, if I am right, an inevitable element of what seems at first sight to be unreality in even the best work of historians. But this need not discourage us if our notion of reality, and therefore of our standard of truth, is something more than the mere correspondence of isolated images and facts. If the test of truth in history must be the presentation of an expression, true at least in the sense in which we use the word about a great portrait, then the recording of the chance fragments of isolated facts which alone have survived for us is quite inadequate to the fulfilment of the test. All the historian writes ought to be true in the sense of being a faithful and accurate account of what has happened. But that does not mean that he should record every detail of what has happened. If he tries to do this he will lose both his real subject and himself. His business is to select in the light of a larger conception of the truth. He must look at his period as a whole and in the completeness of its development. And this is a task rather of the spirit than of the letter. Those who furnish him with the materials have not, and cannot have, the insight which is requisite for him, if he is to be



a great historian of reality. And yet, of course, their work, if it is well done, is indispensable. It is indispensable, only it is not history until it has been re-fashioned in the mind of the historian. When a really competent historian has done this we may fairly think, Goethe's scepticism notwithstanding, that real history is possible, inasmuch as we see before us the picture of the spirit of the past.

I now turn to a second form of criticism, that which would reject as inadmissible the intrusion of art into the domain of history. Two well-known authorities on its study, M. Langlois and M. Seignobos, some fifteen years ago published a joint book for the purpose of warning their students at the Sorbonne what the study of history ought not to be. It was in effect an essay on the method of the historical sciences. It is interesting to observe the result at which they arrived, for this result shows the difficulties into which anyone is bound to get who adopts their conception of the subject. Broadly stated, their conclusion is, that while up to about the middle of last century history continued to be treated as a branch of literature, a change has now taken place, and scientific forms of historical exposition have been evolved and settled, based on the general principle that the aim of history must be, not to arouse the emotions or to give moral guidance, but to impart knowledge pure and simple. They admit that for many form still counts before matter, and that consequently a Macaulay or a

Michelet or a Carlyle continues to be read, although he is no longer on a level with current knowledge. But such writing is not, according to them, history proper. What is justified in the case of a work of art is not justified in a work of science. And the methods of the older historians cannot, they therefore hold, now be justified. Thus, they say, Thucydides and Livy wrote to preserve the memory and propagate the knowledge of glorious deeds or of important events, and Polybius and Plutarch wrote to instruct and give recipes for action. Political incidents, wars, and revolutions were in this fashion the main theme of ancient history. Even in our own time they think that the German historians have adopted the old rejected habits. Mommsen and Curtius they instance as authors whose desire to make a strong impression has led them to a certain relaxation of scientific vigour. Speaking for myself, I should not have been surprised had they, on the assumption that their severe standard is to be adopted, put Treitschke in particular into the pillory, for he was a very great offender against their precepts. According to them, history ought to be in the main a science and not an art. It is only indirectly that it should possess practical utility. Its main object should be accuracy in recording. It consists only, so they say, in the utilisation of documents, and chance therefore predominates in the formation of history, because it is a matter of chance whether documents are preserved or

lost. But they admit that the work of the historian cannot be limited by the bare documentary facts which he collects himself. To an even greater degree than other men of science he works with material which is to a large extent collected by others. These may have been men who devoted their energies to the task of search and collection, whose work has merely been what is called "heuristic." Or they may have been previous historians. The point is that, as the knowledge of the historian is only partially derived from his own direct research, his science is one of inference rather than of observation.

It is a corollary from the view of truth in history which I have just been quoting that it should reject, not merely all efforts to look for the hand of Providence as the interpretation of human development, but also the attempts which have been made in philosophies of history to see in it the evolution of forms of mind. Bossuet and Hegel come alike under condemnation. "On ne s'arrête plus guère aujourd'hui à discuter," says M. Seignobos, "sous la forme théologique la théorie de la Providence dans l'histoire. Mais la tendance à expliquer les faits historiques par les causes transcendantes persiste dans des théories plus modernes, où la métaphysique se déguise sous des formes scientifiques." Now there is no doubt much to be said for the resolute spirit in which the two professors of the Sorbonne set themselves to eliminate all prejudices and

theories and methods which can distract from impartiality and exactness of description. But their own admissions, as I have just quoted them, about deficiency in material, and the impossibility of history being a science of pure observation as distinguished from inference, deprive their protest of a good deal of its value. Without going as far as Goethe went in his scepticism about records, it is plain that the business of selection must bulk largely in every historical undertaking. And that is why, while rules as to historical evidence such as the two authors lay down are of use and should be adhered to wherever it is possible, the historian who confined himself within what alone these rules allow would produce little or nothing. The necessity of artistic selection from materials which are admittedly imperfect, not to speak of the personal equation of the writer, would make a history founded on merely scientific methods a mockery. History belongs to the region of art at least as much as it does to that of science, and this is why, *pace* M. Seignobos, we shall continue to delight in Michelet and Macaulay and Carlyle, and to insist on regarding their books as among the world's most valuable records. They are presentations by great artists of the spirit of a period, and the artists are great because with the power of genius they have drawn portraits which we recognise as resembling the results of direct perception. Genius has been called the capacity for taking pains that is infinite, and these men have taken



immeasurable pains and have been inspired by a passion for truth according to their lights. Of course, they have selected and refashioned the materials which through close research were first collected, as great artists always must. Doubtless, too, there are aspects which they have left out or left over for presentation by other artists. But portraits may, as we have seen, vary in expression and yet be true, for the characteristic of what is alive and intelligent and spiritual is that it may have many expressions, all of which are true. With what is inert and mechanical it is for certain purposes different, but what is inert and mechanical is the subject neither of the artist nor the historian. It is because they let themselves go in bringing out the expression of life and personality that we continue to cling to Gibbon and Mommsen. Their problem is to display before us the course of the lives of men and of nations. Men and nations cannot be estimated through the medium of the balance and the measuring-rod alone, nor are these the most important instruments for estimating them. The phenomena which belong to the region of the spirit can be interpreted only through the medium of the spirit itself. We cannot interpret by mechanical methods a play of Shakespeare or a sonata of Beethoven. In the regions of life and personality the interpretation must come through life and personality, and the mind recognises the truth of their interpretation when it recognises in it what accords with its own highest phases.



History is not mere imagination. It must always rest on a severely-proved basis of fact. But no mere severity of proof will give the historian even this basis. The judgment of truth implies a yet higher standard of completeness and perfection.

I am therefore unable to agree with those who think that history must be either exclusively a science or exclusively an art. It is a science to the extent to which what are commonly known as scientific methods are requisite for accuracy and proper proportion in the details used in the presentation. But the presentation must always be largely that of an artist in whose mind it is endowed with life and form. Truth in history requires, in order to be truth in its completeness, that the mind of the reader should find itself satisfied by that harmony and sense of inevitableness which only a work of art can give. Abstractness of detail and absence of coherence offend this sense of harmony, and so offend against truth by incompleteness of presentation. The reader feels that the facts must have appeared, at the period in which they did really appear, in a fashion quite different. Unless the history which he reads gives him something of a direct sense of the presence of the actual, his assent will be at the most what Cardinal Newman called notional as distinguished from real. To define the meaning of truth in history thus becomes a problem that is difficult, because it is complex. But this at least seems clear, that some notions

about this meaning that have been current in days gone by, and are still current, ought to be reconsidered. A clear conception of first principles is essential in most things, and not least in the writing of history. If I have succeeded in rendering plain to you the reasons which make me feel this need strongly, I shall have accomplished all that I ventured to hope for on the present occasion.



## THE CIVIC UNIVERSITY.

*An address delivered to the Citizens of Bristol  
on Installation as Chancellor of the Uni-  
versity of Bristol in October, 1912.*





## THE CIVIC UNIVERSITY.

YOUR University has done me the honour of choosing me for its Chancellor. I have asked leave to express in person before you, the citizens of Bristol, my gratitude for this high distinction. Such title as I possess to it is that I have cared for the cause of University Education in the great cities of the kingdom. I have believed in this cause and have striven for it. And it is with a sense of real pleasure that I find myself privileged to be closely associated with the new University life of your community.

Of this new life I wish to say something to you on the present occasion. It is a characteristic development of our time that the great cities of England should have asked for, and in rapid succession obtained, the concession of their own Universities. In Scotland, Edinburgh, Glasgow, and Aberdeen have for centuries possessed such Universities, to the great profit of themselves and the Scottish nation. Dundee has recently followed their example by entering into fellowship with St. Andrews. In Ireland, Dublin has lately got a second teaching University, and Belfast has secured a University of her own. In England the pro-

gress has recently been rapid—London made her foundation of a teaching University under the Act of 1898. Birmingham followed suit, and was herself quickly followed by Manchester, Liverpool, Leeds, and Sheffield, and then by Bristol. Newcastle has recognised the example of Dundee by entering into partnership with Durham.

There were not wanting those who took a gloomy view of the new development. The standard of University life and of University degrees must, they said, inevitably be ruined. The level of Oxford and Cambridge could never be reached, and these old Universities might even be damaged. To this it was replied that no one aimed at an imitation of Oxford and Cambridge. These Universities possessed an historical tradition of their own which was a great asset to the country. No wise person would wish to alter their special atmosphere. They could, after all, provide for only a limited number of students; what had to be provided for elsewhere was the very much larger number whom they did not reach. It was pointed out that Germany possessed a greater number of Universities in proportion to her population than we did, and that there were certainly no grounds for saying that their number had either lowered the standard of University education in that country, or that Berlin or Munich or Leipzig or Breslau afforded the least indication that a University could not flourish exceedingly in a great city. Moreover, experience had

shown that the very competition of Universities tended to bring about a stingless rivalry in keeping standards high. These arguments prevailed with Governments and Parliaments. But the victory was not won without a struggle. What was probably the final battle was fought out in the end of 1902 before a very impressive tribunal, in the form of a Special Committee of the Privy Council. I make no apology for referring to this battle of the experts, for by some chance even historians of education in this country seem to know little of it. Liverpool had by 1902 awakened to the sense of her necessities, and, stimulated by the success of Mr. Chamberlain's effort for Birmingham, had petitioned for a University Charter. She possessed a University College. She was sure she could develop this greatly in both money and men if the city felt that it was considered worthy to have a University of its own, instead of a College federated with those of Manchester and Leeds under the Examining Board at Manchester, which then possessed the title of the Victoria University. She complained that the federal system was subordinating education to examination, instead of putting examination in its proper place as a means to the end of testing teaching—that teaching which ought to be the supreme object of the existence of a University. Manchester, a little half-heartedly, concurred in the Liverpool view; Leeds opposed strongly, and was backed up by a mixed but powerful assemblage of

witnesses, which included some opponents of what were nicknamed Lilliputian Universities, and by some advocates of external examination. The petition of Liverpool was referred by the Crown to a Committee of the Privy Council, and eminent lawyers argued the case for and against it and called their witnesses. The Committee was presided over by the distinguished statesman who was then President of the Council, the late Duke of Devonshire, and he had as his colleagues Lord Rosebery, the ex-Prime Minister, Lord Balfour of Burleigh, who was then Secretary for Scotland, Lord James of Hereford, and one whom we in Bristol know well, and hold in admiration and affection, Sir Edward Fry. The hearing occupied three days: the 17th, 18th, and 19th of December 1902. The Committee after deliberation reported, and an Order in Council, dated the 10th of February 1903, gave effect to the report. It was pronounced that Liverpool and Manchester had made out their case for the grant of University Charters. It was added that the step of granting the Charters involved issues of great moment which should be kept in view, and for the solution of which due preparations should be made, especially in respect to those points upon which, having regard to the great importance of the matter, and the effects of any changes upon the future of higher education in the North of England, co-operation was expedient between Universities of a common type and with cognate aims.



The date of this Order in Council is, I think, a memorable one. It gave State recognition to a new policy, but for which we might not have been assembled here to-night. The principle was accepted that the number of the English Universities was to be increased, and their headquarters were to be in cities. The conditions were that the chief responsibility was to be entrusted to the cities themselves, and that the cities should be large enough and keen enough to ensure that the requisite local resources for the maintenance and development of the Universities should be forthcoming. It is about the Civic University which has thus been born that I have come to speak to you. Such a University presupposes for its existence not only sympathy but enthusiasm on the part of the citizens. Without such enthusiasm it cannot grow or become a source of credit and advantage, moral, intellectual, or material, to the city. But such experience as we have had shows the city, by taking thought in this fashion, in process of adding a cubit to its stature. The other thing needful is that the education given should be of the very highest type practicable. It must not be merely technical or designed as a means to material ends. That is a narrow aim which in the end defeats its own accomplishment. The appeals to the King in Council, on the great occasion to which I have alluded, breathed a wholly different spirit. It was then declared that the great communities of the kingdom would be content with nothing



short of the highest. They had, of course, to make a beginning; they could not accomplish everything at once—University institutions can only obtain their full stature as the result of long growth. But the mediæval cities of Italy, cities such as Bologna, had set to the world a great example. They found a home, as students of books such as that of Dr. Rashdall on the Universities of the Middle Ages know, for guilds of students, who established themselves there to the great fame and profit of the city. They became conscious of their own individuality, and they assisted in giving to the world University teaching and University work of the highest kind. What, to go still further back, did not Athens owe to the fact that the highest learning was developed and put by the people themselves in the highest place among Athenian institutions? Such ancient cities are a model for us; they influenced not only their own countrymen but the whole world for good. The chance has come to us in England to accomplish something of the same kind, and with us, as with them, it is to the enthusiasm and resources of our great urban communities, never, when once convinced, wanting in faith, that we have to look.

There was a time when men of business, accustomed to see closely to profit and loss, used to think that the work of a University was worth effort and expenditure only in so far as it produced aptitude for industrial and commercial production. Traces of this view are

still apparent in the foundation deeds of some of the older University Colleges of our municipalities. But this idea is now discredited, and the part played by science and by general learning in the production alike of the captain of industry and of the extension of invention is far greater than was the case even a few years ago. Applied science is in its best form only possible on a wide foundation of general science. And the fruitful scientific spirit is developed to-day on a basis of high intellectual training, the training which only the atmosphere of the fully developed University can completely provide. What is true of science in the narrower sense is also true of learning generally. It is only by the possession of a trained and developed mind that the fullest capacity can, as a general rule, be obtained. There are, of course, exceptional individuals with rare natural gifts which make up for deficiencies. But such gifts are indeed rare. We are coming more and more to recognise that the best specialist can be produced only after a long training in general learning. The grasp of principle which makes detail easy can only come when innate capacity has been evoked and moulded by high training. Our engineers, our lawyers, our doctors, our administrators, our inventors, cannot keep in front in the race, or hold their own amid the rivalry of talent, unless their minds have been so widely trained that the new problems with which the ever-increasing complications and specialisations of modern condi-

tions confront them, present nothing more formidable than new applications of first principles which have been thoroughly assimilated. Without having reached this level they cannot maintain their feet. The competition is not merely with their fellow-countrymen; it is with the trained minds of other countries. These other countries are, some of them, advancing at least as rapidly as we are. An enlightened policy in education is the order of the day over most of the civilised world, and if we are to hold our own, even in the making of money, we dare not fall behind or lag in the endeavour to increase our efforts. I see no sign that we Britons are diminishing one whit in our really great capacity. In many respects, notably in certain of our public institutions, we are advancing so rapidly that we continue to lead the way, and our production of wealth is not falling off. Moreover, I do not believe that we are really losing what is equally necessary—that spirit of respect to the laws which we have made for ourselves that has been one of our chief glories. But we have more than ever before to see to it that we keep at least abreast in science, and science means far more now than technical training, or the mere application of special knowledge to industry. It rests on a foundation of general culture which is vital to the maintenance of its standards, and it can develop only if the population has the fullest chance of an intellectual and moral training which goes deeper than mere science strictly

so called. It is the power of the highly-trained mind that is required, and the full development of this trained mind can only be given by the highly organised Universities.

This brings me to my next point. It is said that it is only the comparatively few that can attain to this level. That is quite true. And it is neither requisite nor possible that everyone should be trained up to it. If we had all the Universities in the world concentrated in England, we should find that it was only a limited percentage of the population which would be fitted by natural aptitude to take full advantage of them. What is really essential is that everyone should have a chance, and that there should be the nearest possible approach to equality of educational opportunity. Without this the sense of injustice will never be eliminated, and we shall in addition fail to secure for our national endeavours the help of our best brains. There is sitting at the present time an important Royal Commission. The Civil Service, which is the permanent element in the government of the country, has been recruited in various ways. The prevailing but not the only test has been examination. The civil servants are, however, divided into higher and lower divisions. The lower division, which is much the larger, does the great bulk of the routine and less difficult work. Its members enter by competitive examination at the age of about eighteen. They spend but a short time, as a rule, in the secondary school, which they



leave early to prepare for the examination. The higher division, which is much smaller, consists of those who succeed in a competitive examination, passed when they are about twenty-two. For the most part they have started at a University, the object being to secure candidates who have had the benefit of a full University training, and, if possible, such as have taken honours. After appointment they do work which is, some of it, of a highly responsible character, requiring both general education and the capacity of taking the initiative and of managing men. In my opinion this is a most valuable type of public servant. I was the head, for over six years, of a great administrative department, and I formed the opinion that this class of men, with a broad general foundation of education of the higher type, was essential in the interests of the State, and, after all, the consideration to be placed foremost. But the mode of election has given rise to dissatisfaction. It is felt, and felt rightly, that a very large class is shut out from any chance of entry, and that the Universities of Oxford and Cambridge have had an undue advantage. They continue to fill a very large proportion of the vacancies. The fact that this is because Oxford and Cambridge until now have proved to be the best training places for the candidates is not altogether an answer to the complaint. Education quite as good for the purpose might be given elsewhere. But such education, to be sufficient, must be of a



high order. After a good deal of observation, both while I was at the Bar and while I was in charge of an administrative department, I have come to the conclusion that, as a general rule, the most stimulating and useful preparation for the general work of the higher Civil Service is a literary training, and that of this a classical education is for most men the best form, though not exclusively so. No doubt men vary, and science or modern literature may develop the mind, in the case of those who have aptitude for them, better than Latin or Greek literature. But, as Goethe said long ago, the object of education ought to be rather to form tastes than simply to communicate knowledge. The pedant is not of much use in the conduct of public affairs. For the formation of tastes and of the intellectual habits and aptitudes which the love of learning produces, the atmosphere of a highly organised University life is a tremendous power, and we cannot do without it. And, therefore, while I am not without sympathy with the complaint of democracy that the entrance to the higher positions in the Civil Service is by far too much the monopoly of a class, I reply that a highly educated official is essential for a particular kind of work which the State needs. The remedy must not be to displace the class which alone furnishes the supply. Democracy is apt in its earlier stages to be unduly jealous, and to try to drag things down to a level which, because it is the general level, is in danger of being too low to provide

the highest talent. The remedy for what is a real grievance appears to me to be that democracy should add a new plank to its platform, and insist on equality of opportunity in education as something that should be within the reach of every youth and maiden. That more than a comparatively small minority will prove capable of taking advantage of the highest education is unlikely. We are not all born with the same capacity. But that many will seize on a new opportunity who are at present shut out, is to my mind certain. And if democracy will abandon the suggestion that the highest work can be done without the highest educational preparation for it, I shall be the most whole-hearted supporter of the inauguration of a new democratic campaign. There are those who possess the inborn initiative and capacity which can do without the ordinary educational avenues. They have existed at all times and they exist to-day. They must be taken into account and provision made for them by special promotion. But these are nature's aristocrats, and the number of true aristocrats is always very small. We have to legislate for the ordinary man and woman, and we cannot do more than make provision for that equality of opportunity in the higher education of which I have spoken.

Elementary education is now the right of all, and since the passing of the Education Act of 1902, an Act the immense advantages of which have always appeared to me to outweigh certain

awkward blemishes which have still to be got rid of, the clever boy or girl can generally, by means of a scholarship or a free place, get to the secondary school. But the chances for the poor scholar to get from the secondary school to the University, although they exist, are still far too few. The Labour leaders are quite right when they complain that the prizes of the State are in reality far too much reserved for the upper classes. Where they are wrong, I think, is in the remedy they propose. The State will suffer badly if the level of its civil servants is lowered, and it will be lowered if the qualifications for all positions are lowered to the educational equipment possessed by a youth who has ceased his studies at eighteen. The true remedy is to break down the class barrier by making provision for enabling the youth of eighteen to go on, if he is fit to do so, and to qualify himself more highly. Now here is where the Civic University has a great part to play. It is idle to say, as is sometimes said, that Oxford and Cambridge include the democracy. Theoretically they do, but not one child of the people out of a thousand has a real chance of becoming an undergraduate there. More accessible Universities are required, and these new Universities, I am careful to add, will only successfully compete with Oxford and Cambridge in serving the requirements of the State if they keep their level very high. A University to be a true University must be a place where the spirit is more

important than the letter. In the elementary schools, and to a great extent even in the secondary schools, the teacher is in a position of authority. What he says is accepted by the pupil as truth without inquiry. But in a true University, where the problems are higher and more difficult, the professor as well as his student is making his voyage of discovery. Both must avoid dogmatic slumber or even supineness. They must in all reality investigate—and be content to investigate. This inevitable feature of the higher work, even where it is primarily educational, has always been recognised by those whose names we reverence most. Lessing meant it when he declared almost passionately that if the Almighty were to offer him the truth in one hand and the search after the truth in the other, he would choose the hand that held the search after truth. It is this that Goethe had in mind when he said what I have already quoted about the real object of education being to form tastes and not to impart knowledge. Of course, knowledge must be imparted. But it comes fully to those and to those alone who are able to realise its necessity and to desire it with all their souls for its own sake, and not as a means to any end. As Aristotle long ago declared, the foundation of wisdom is the awakening of the sense of wonder. The spirit of the University is thus the co-operation of professor and student in a common endeavour to learn. The former is further on than the latter and can



impart to him stimulation and guidance. But they are both searchers after truth, and the dominance of the letter over the spirit, which is of necessity more present in the school, ought to be remote from both. A University is a place where the most valuable advantage the student has is contact with an inspiring personality. That is why nothing short of the best level among the professors is enough for success. The professor must inspire. His labour must be one of love if he is to succeed. And if he is a great teacher he will have moulded the lives and tastes of the best of his students for the rest of their existence.

Here, then, is a new object of ambition for you, the citizens of Bristol. You have it in your power now, if you so choose, to make it possible for the son or daughter of every poor man in this city, be he high or be he low, to attain to this splendid advantage in life. Only few can be chosen; that results from the fact that the order of nature does not permit us to be born equal. But the many may and ought to be called, even if the few are chosen. Let us turn to the practical application to the affairs of your city of this great gospel of educational opportunity. Those who believe in democracy have not yet awakened to its significance. When they do they may come to think that here lies the most direct path to the attainment of their end.

Your elementary schools are excellent, and are still improving; all children must go to



them. When they leave they are apt to forget what they have learned. The working classes are growing more keen about keeping their children on at the schools instead of taking them away to earn money. They endure a heavy burden to do this, and I sometimes think that one of the reasons for the growth of a discontent which has somewhat of the divine in it, is a sense of the growing burden of the indirect cost of education. Any rise in wages is balanced and more than balanced by the rise in standards of living, and this is true not only of England but of most other highly civilised countries. Even, however, if the child stays on to fourteen, it leaves school only to forget much. I used, when I was at the War Office, to be struck by the comparatively large percentage of soldiers who could not read or write. The Education Acts had been in force since 1870, and the fact at first sight seemed difficult to understand. The explanation was that the young soldiers had learned to read and write, but had left school and forgotten, so that we had to educate them over again.

Now in Bristol you have a good proportion of excellent secondary schools. The boy or girl can in many cases get there from the elementary school. But not in all cases, nor in enough of cases. And when I turn to the further chance of the University, the same thing is true, and true in a more marked form. There are chances offered to clever young men and women of reaching your University. But there

are not enough of such chances for the establishment of anything like the standard of equality in educational opportunity. It is the attainment of this standard, this high and true ideal, that I wish to-night to commend to the citizens of Bristol without distinction of rank or occupation. The inhabitants of this great city are all of them directly interested in it. To possess in Bristol a real system of graduated education, within the reach of all who are endowed by nature with the talent to take advantage of it, would make Bristol the first city in the Empire as regards education, for it would have what the other cities do not now possess. And it would mean much for this city as regards other things. The experience of our own nation, and perhaps still more that of other countries, has shown the power of expansion and influence which a complete system of education can give. The most important result is not money-making. But even in money-making, in these days when science and organisation are becoming dominating influences in commercial undertakings, success seems certain to depend more and more, as time advances, on their possession. And therefore I appeal to all of you, to workmen and employers, to the man who can just manage to educate his children and to the wealthiest alike, to concern yourselves in a great civic cause. Do not let yourselves be influenced by the criticism that is sometimes made even to-day by those whose ideas about University influence

are entirely derived from the contemplation of the older Universities. No one is more keenly conscious than I am that there has grown up around Oxford and Cambridge an atmosphere which it is impossible to reproduce elsewhere. It has been the growth of the tradition of centuries. It has developed the finest qualities in scholarship. But, as a detached observer, I must add that this atmosphere and the habits which it has developed in us have hindered as well as helped.

When Francis Bacon wrote his *Advancement of Learning*, and was laying the foundations of his great discoveries in inductive logic and scientific method, he turned sharply on the teaching of the English Universities. At one of them, Cambridge, he had been a distinguished student. Yet his biographers tell us that while he was "commorant" at the University at the age of sixteen, he "first fell into dislike of the philosophy of Aristotle, not for the worthlessness of the author, to whom he would ever ascribe all high attributes, but for the unfruitfulness of the way, which seemed to him only strong for disputations and barren of the production of works for the life of man." It was not that he disliked the University system; on the contrary in the *Advancement of Learning*, Bacon says: "We highly approve of the education of youth in colleges, and not wholly in private houses or schools, for in colleges there is not only a greater emulation of youth among their equals, but the teachers have a

venerable aspect and gravity, which greatly conduces towards insinuating a modest behaviour, and the forming of tender minds from the first, according to such example, and besides these there are many other advantages of a collegiate education." From various passages in the *Advancement* we gather that his condemnation arose from the unintelligent fashion in which the Dons of his time taught abstract rules to those who had not yet gathered what he calls, quoting Cicero rather oddly, "'*Sylva*' and '*Supellex*,' and then Matter and Fecundity." To begin with these rules is, he declares, as though one were "to paint or measure the wind."

Now in the *Advancement of Learning* my great predecessor in the office of Lord Chancellor was hardly just to Aristotle. We have at last learned to understand Aristotle's words because we have been at pains to understand his thoughts. Aristotle's logical methods were not what Bacon took them to be. They were far more searching and much nearer to the truth about the processes of acquiring knowledge. But it is one of the great reproaches against the English Universities that they dragged the name of Aristotle down into the mud. Their verbal scholarship left little to be desired. But they stretched Greek thought, that of Plato hardly less than that of Aristotle, on the rack of their own provincial ideas, until the vitality had disappeared out of it. It was not until less than fifty years ago that any



decent exposition of the philosophy of Aristotle was produced at an English University. In September 1866, the late T. H. Green, a great thinker, wrote an article on the subject in the *North British Review*, in which he made a new departure for Oxford, and raised the study of Aristotle to a higher plane by showing that his metaphysics and his logic must be read as one whole, and in the light which modern idealism had cast on them. It was not through Locke and Berkeley and Hume alone that Aristotle and Plato could be made intelligible. The study of other modern thinkers was an essential preliminary. When we consider that the first edition of Kant's *Critique of Pure Reason* appeared in 1781, it is not creditable to the English Universities that, in a subject of which their teachers were never tired of discoursing, they should have remained for eighty-five years in ignorance of the only method of penetrating its real meaning. And they had the less excuse because during this time the work was being rapidly completed on the Continent. Had the Dons been acquainted with modern languages instead of with dead tongues exclusively, they could hardly have failed to be conscious of the work which well-known foreign commentators, such as Schwegler and Carl Prantl and Zeller, were erecting on the foundation first laid by Kant. What is true of Greek thought is also in a measure true of modern science. The awakening has come to the old Universities late. They are now doing very fine work, but they



ought to have been able to develop it much sooner. Some stimulus has been wanting. Had their students lived under a national system where there were many Universities, and where the scholar was free to move from one to another to seek the professor of his choice, instead of being tied up in his academic domicile of origin, the teachers would have been stimulated, and things would probably have moved far more rapidly under the development of the rivalry of talent. But the dominant atmosphere was that, not of the laity, as in Germany, but of the Church, and the result was somnolence. There was lacking the alertness which comes from the supervision of the keen mind and practical instinct of the nation's great men of business. The latter may not know much of literature or science or philosophy, though among them there will always be those who do know. But they recognise quality when they see it, and they are jealous lest the institutions for which they are responsible should be out-distanced in foreign countries. If the new English Universities can keep their level high, they may be able to develop a certain advantage over the older English Universities. When I compare the state of things in Oxford and Cambridge with that in the Universities of Germany, I am impressed with one point in particular in which the latter seem to me superior. In Germany the student is free to go from time to time, in the course of his undergraduate career, to study under a professor of

his own choice in another University. This freedom, of course, implies that much responsibility for the shaping of his own academic career is placed on the shoulders of the student. But it stimulates his intelligence and tends to save him from getting into a rut. The English tutorial system does not afford the same opportunities for bringing him into stimulating contact with the greatest academic personalities of his day. This matters less, as it seems to me, to the student of exceptional keenness and ability than it does to the merely average undergraduate. And it is perhaps the reason why the typical average undergraduate in England, as one sees him after he leaves the University, appears to bear the marks of a training which has been social rather than intellectual, and to be somewhat lacking in awareness of his own limitations.

It is to the production by the Civic University of the quality of alertness in the average as well as in the exceptional student that I look with hope for the future. There will be many mistakes of detail made in the government of the new University. But that government is likely to compensate for such shortcomings by its vigour and keenness. What is requisite for the sustaining of that vigour and keenness is that the city should be proud of its University, and should feel that it is its own child in whose future the citizens are profoundly concerned, and whose glory will lend support and strength to the renown of the parents. I can see no limit

to what may be the development of the Civic University within the next hundred years. I look to its becoming the dominant and shaping power in our system of national education. We have got into all sorts of difficulties, religious and otherwise, from beginning too low down. We could not help ourselves; we had no University system, spread over the country, to lay hold of and shape into one whole the teachers and the taught alike. In the elementary schools rigid rule and abstract principle are apt to become ends in themselves instead of means to ends. In a system which is merely a vast assemblage of schools in which children must be taught according to a common scheme, the "either or" of the abstract understanding is far more difficult to escape from than it is in the University, where freedom to teacher and student alike in the shaping of educational ideals is of the essence of University life. In the latter the religious difficulty tends to disappear. We see how it has disappeared to-day even at Oxford and Cambridge, where the Church once dominated. And we see that the attainment of freedom and elasticity in regions of religion has not made Oxford and Cambridge really less religious. Now, if the community would be in earnest in setting educational ideals at the top, and in letting its educational system be permeated from the upper stratum downwards, I should have much hope that the controversy about the lower schools would disappear in the pursuit of larger

ends. But this implies that the Universities should take a large part in shaping the spirit and endeavour of the secondary and elementary schools, and, as a condition of this, that the entire organisation of education should be shaped by Parliament into a comprehensive and connected system. In 1908, by passing the Scotch Education Act of that year, Parliament took a step in this direction for Scotland. But in England the work has yet to be done, and it may well be that the new University spirit in our great cities will compel its commencement.

For there is already a new University spirit in these cities. A distinguished friend of mine, who has occasion to know England well, remarked to me recently that when he goes on official visits to the North he finds Universities becoming increasingly prominent in all municipal functions of a public character. These new Universities stand, and are put forward more and more naturally as standing, for the highest life of the places where they have taken root. Yet these new Universities are only in their infancy. What they may become and what influence they may wield we cannot foresee. What we do know is that they have made a profound appeal to what is best and most characteristic in the communities in which they flourish. They are supported by these communities with far less aid from the State than is the case abroad. And this is the source of their strength. By degrees the principle of learning for learning's sake will become their



accepted foundation. It is of the nature of the case that certain sides of this new academic life should have most support, the sides which furnish the supply of what business men feel to be most required. But they are rapidly outgrowing the stage in which the technological departments were almost exclusively predominant. Their faculties of art are still weak, but as the demand for an art training grows, as grow it must, for the sake of such vocations as teaching and theology, of administration and of law and other learned callings, this kind of faculty will develop. The example of Germany shows how literature and philosophy may flourish in a University which has the busiest civic surroundings, and there is no reason why that example should not be followed in this country. Time and the growth of enlightenment are what is requisite.

One characteristic feature they possess, and I think to their advantage. In Germany the Technical Colleges have been sharply divided from the University and given a separate existence. This is partly due to the division and separation in character of the great secondary schools in Germany. The resulting separation of the Technical College from the University has been deplored by some of the most distinguished authorities on German Education, notably by the late Professor Paulsen. If this be a thing to be avoided, we have avoided it. We have made our start by treating education as a single and indivisible whole—and by



trying to keep the different kinds of students in one organisation. How powerful this tendency is we may see by the example of Cambridge, which has yielded to it, and has gone to an extent in extending the ambit of its activities to technical training which would be looked on askance by many University authorities in Germany. We have done even more, for we have developed in connection with our new Universities a system of evening teaching for a separate class of student, which has enabled them to bring their influence to bear on those who during the day are engaged in earning their livelihood by manual or other work. That the tendency to recognise this kind of instruction as legitimate for the British University is increasing appears when we look at such cases as those of Glasgow and Manchester, where the great Technical Colleges of these cities are being brought into the closest relation with their Universities. I believe this to be entirely right, and I am glad that you in Bristol took the same course at the beginning when you brought the Merchant Venturers' College, with its evening teaching, into your new University organisation. There is no reason why a step of this kind should debar you from setting before yourselves compliance with the great test that the education given to all those who can take advantage of it should be of the highest academic type. And there is this of gain, that you give a direct interest in the University of the city to its working-class

citizens, and encourage them to take advantage of the great instrument for their own advancement which lies to hand.

Specialisation in each city University there will be and ought to be. *Non omnia possumus omnes*. In one place the distinctive strength will be in chemistry—general and applied—for, exist without each other they cannot. In another, as in Sheffield, it will be the metallurgy of iron and steel—and it is not unimportant in this connection that Sheffield is the chief centre for the manufacture of the national guns and steel plates, an industry in which we dare not dispense with high science. In another place, as in the case of the Imperial College in London, we should have the great training place in the metallurgy of the precious metals for the students of a people which leads the world in their production. Some Universities will be strong in engineering, civil and mechanical or, it may be, marine. But the one thing requisite is that the broad foundations of the highest general knowledge should be there in each University, and that all specialisation should rest on these foundations. You cannot, without danger of partial starvation, separate science from literature and philosophy. Each grows best in the presence of the other.

Another essential feature is adequate provision for the post-graduate student—that is, the student who, having taken his degree, has in him the passion for excellence sufficiently strong to desire to continue in the University

as a place of research, and of the still higher learning which is inseparable from research. Such students may not be numerous, but when they are present they leaven the whole lump, and by their presence give a distinction to the University and to the professors under whom they work which could not be possible in their absence.

Finally, it is one of the characteristic features of the new Universities that they are freely opened to women as well as to men. This is an advance which it is difficult to overrate, and in days to come its influence for good may prove to be very great.

I have endeavoured, how imperfectly I know, as the Chancellor of your new University, to place before you as citizens of Bristol some account of the aims and aspirations of those who are now working among you, and working, not as a foreign body imported from without, but as a new development of the civic community. Your University is now bone of your bone and flesh of your flesh. What you are concerned to see is that it grows, and grows in no slavish way. Now the idea of such a place of learning has become much enlarged in our own time. Not only is the class to which it appeals wider, but its conception of its work is wider. It aims at producing the *esprit de corps* among its pupils. The Union and the Common Room are growing up. Then there are other features, to one of which I refer with something of paternal affection. The Officers' Training

Corps differs widely from the old Volunteer or Cadet Corps, which used to be all that our Universities contributed to the defence of their country. Five years ago, when I was at the War Office, we came to see that it was waste of splendid material to aim at the production of nothing higher than this from among University students, and that what we needed most was to get from them a Reserve of educated men who had had sufficient training as officers to be available in the event of war. We appealed to the Universities, new and old, but not until we had carefully prepared our plans. The Officers' Training Corps of the modern University is wholly different from the old University Volunteer Corps. And the reason is twofold. It has now been shaped for the accomplishment of a definite end, the training for the duties of command in great emergency of educated young men who will, even in time of peace, put their obligations to their country before their love of ease and amusement. The second reason is that this training is given, not as of yore under the drill sergeant, not even under the ordinary officer, but under the direction and supervision of the picked brains of the British Army—the new General Staff. Such training, based on the best scientific methods, therefore takes its place naturally within the sphere of work of the University, and expands and completes the work of that University.

I have referred to the Union and to the Officers' Training Corps as signs of the times,



as indications of the way in which the conception of University life is being widened. Other indications there are of the extended scope which is visible in several directions of the meaning of academic life and training. But it is enough to say that this life and training have no limits set for them except the insistence that the work must be educational, mentally and spiritually, and educational in a high sense. The test of University work is, after all, like that of literature—size and level. I have faith that this truth has now been realised, and that among the Civic Universities, the centres be it observed of guidance and the higher teaching for the districts which are assigned to and surround them, the duty of maintaining a high level is one which will be seen to jealously. The professors have a deep responsibility in this respect, and the general body of citizens have a responsibility hardly less. Nothing is more encouraging than the way in which co-operation in the joint endeavour has been visible up to now in the proceedings of the governing bodies, and there is no reason to anticipate that the future will be less encouraging.

This is what I wish to say in conclusion. Do not let us be discouraged by apparent slowness in progress. It is only when a long tract of time has been covered that the full character of the movement forward that has taken place within it can be seen. Much has been done within the short period since the University of



Bristol came into existence. Much remains to be done. But if the great city becomes more and more proud of its University, and more and more conscious of the nature of the young life that has been born to it, then there will not be wanting the conditions that are requisite for growth to full maturity. The day may come when the citizen of Bristol will be able to look back on his life as made up of distinct phases which have this in common, that he owes all of them to his native place. He may as now look to the city as the place of his birth, the place where he lived with his parents, and with which his earliest associations are connected. He may look to it as the place where he grew up from youth to manhood, and where, by virtue of the strength that was in him, he made conquest for himself of wealth and reputation. He may look to it as the arena in which he threw himself into an honourable rivalry for success in public life, and in the endeavour to do the utmost that within him lay to benefit his fellow human beings. And, last but not least, he may look to it as the home of the University which gave him his great impulses, which moulded his soul, and imparted to him not only the knowledge that was the source of strength, but the most glorious inspirations of his youth.

If you, in whose hands rests the making of the future, accomplish the task of rendering this and perhaps even more than this possible in your own city, you will have deserved well of the nation of which you form a part.



# HIGHER NATIONALITY.

A STUDY IN LAW AND ETHICS.

*An Address delivered before the American Bar  
Association at Montreal on 1st September,  
1913.*



## HIGHER NATIONALITY.

It is with genuine pleasure that I find myself among my fellow-lawyers of the New World. But my satisfaction is tempered by a sense of embarrassment. There is a multitude of topics on which it would be most natural that I should seek to touch. If, however, I am to use any purpose the opportunity which you have accorded me, I must exclude all but one or two of them. For in an hour like this, as in most other times of endeavour, he who would accomplish anything must limit himself. What I have to say will therefore be confined to the suggestion of little more than a single thought, and to its development and illustration with materials that lie to hand. I wish to lay before you a result at which I have arrived after reflection, and to submit it for your consideration with such capacity as I possess.

For the occasion is as rare as it is important. Around me I see assembled some of the most distinguished figures in the public life of this Continent; men who throughout their careers have combined law with statesmanship, and who have exercised a potent influence in the fashioning of opinion and of policy. The law



is indeed a calling notable for the individualities it has produced. Their production has counted for much in the past of the three nations that are represented at this meeting, and it means much for them to-day.

What one who finds himself face to face with this assemblage naturally thinks of is the future of these three nations, a future that may depend largely on the influence of men with opportunities such as are ours. The United States and Canada and Great Britain together form a group which is unique, unique because of its common inheritance in traditions, in surroundings, and in ideals. And nowhere is the character of this common inheritance more apparent than in the region of jurisprudence. The lawyers of the three countries think for the most part alike. At no period has political divergence prevented this fact from being strikingly apparent. Where the letter of their law is different the spirit is yet the same, and it has been so always. As I speak of the historical tradition of our great calling, and of what appears likely to be its record in days to come, it seems to me that we who are here gathered may well proclaim, in the words of the Spartans, "We are what you were, we shall be what you are."

It is this identity of spirit, largely due to a past which the lawyers of the group have inherited jointly, that not only forms a bond of union, but furnishes them with an influence that can hardly be reproduced in other nations. I

will therefore venture to look ahead. I will ask you to consider with me whether we, who have in days gone by moulded their laws, are not called on to try in days that lie in front to mould opinion in yet another form, and so encourage the nations of this group to develop and recognise a reliable character in the obligations they assume towards each other. For it may be that there are relations possible within such a group of nations as is ours that are not possible for nations more isolated from each other and lacking in our identity of history and spirit. Canada and Great Britain on the one hand and the United States on the other, with their common language, their common interests, and their common ends, form something resembling a single society. If there be such a society, it may develop within itself a foundation for international faith of a kind that is new in the history of the world. Without interfering with the freedom of action of these great countries or the independence of their constitutions, it may be possible to establish a true unison between Sovereign States. This unison will doubtless, if it ever comes into complete being, have its witnesses in treaties and written agreements. But such documents can never of themselves constitute it. Its substance, if it is to be realised, must be sought for deeper down in an intimate social life. I have never been without hope that the future development of the world may bring all the nations that compose it nearer together, so that they will

progressively cease to desire to hold each other at arm's length. But such an approximation can only come about very gradually, if I read the signs of the times aright. It seems to me to be far less likely of definite realisation than in the case of a group united by ties such as those of which I have spoken.

Well, the growth of such a future is at least conceivable. The substance of some of the things I am going to say about its conception, and about the way by which that conception may become real, is as old as Plato. Yet the principles and facts to which I shall have to refer appear to me to be often overlooked by those to whom they might well appear obvious. Perhaps the reason is the deadening effect of that conventional atmosphere out of which few men in public life succeed in completely escaping. We can best assist in the freshening of that atmosphere by omitting no opportunity of trying to think rightly, and thereby to contribute to the fashioning of a more hopeful and resolute kind of public opinion. For, as someone has said, "*L'opinion générale dirige l'autorité, quels qu'on soient les dépositaires.*"

The chance of laying before such an audience as this what was in my mind made the invitation which came from the Bar Association and from the heads of our great profession, both in Canada and in the United States, a highly attractive one. But before I could accept it I had to obtain the permission of my Sovereign; for, as you know, the Lord Chancellor is also

*Custos Sigilli*, the Keeper of that Great Seal under which alone supreme executive acts of the British Crown can be done. It is an instrument he must neither quit without special authority, nor carry out of the realm. The head of a predecessor of mine, Cardinal Wolsey, was in peril because he was so daring as to take the Great Seal across the water to Calais, when he ought instead to have asked his Sovereign to put it into Commission.

Well, the *Clavis Regni* was on the present occasion put safely into Commission before I left, and I am privileged to be here with a comfortable constitutional conscience. But the King has done more than graciously approve of my leaving British shores. I am the bearer to you of a message from him which I will now read :

“ I have given my Lord Chancellor permission to cross the seas, so that he may address the meeting at Montreal. I have asked him to convey from me to that great meeting of the lawyers of the United States and of Canada my best wishes for its success. I entertain the hope that the deliberations of the distinguished men of both countries who are to assemble at Montreal may add yet further to the esteem and goodwill which the people of the United States and of Canada and the United Kingdom have for each other.”

The King's message forms a text for what I



have to say, and, having conveyed that message to you, I propose in the first place to turn to the reasons which make me think that the class to which you and I belong has a peculiar and extensive responsibility as regards the future relations of the three countries. But these reasons turn on the position which Courts of Law hold in Anglo-Saxon constitutions, and in entering on them I must recall to you the character of the tradition that tends to fashion a common mind in you and me as members of a profession that has exercised a profound influence on Anglo-Saxon society. It is not difficult in an assemblage of lawyers such as we are to realise the process by which our customary habits of thought have come into being and bind us together. The spirit of the jurisprudence which is ours, of the system which we apply to the regulation of human affairs in Canada, in the United States, and in Great Britain alike, is different from that which obtains in other countries. It is its very peculiarity that lends to it its potency, and it is worth while to make explicit what the spirit of our law really means for us.

I read the other day the reflections of a foreign thinker on what seemed to him the barbarism of the entire system of English jurisprudence, in its essence judge-made and not based on the scientific foundation of a code. I do not wonder at such reflections. There is a gulf fixed between the method of a code and such procedure as that of Chief-Justice Holt in



*Coggs v. Bernard*, of Chief-Justice Pratt in *Armory v. Delamirie*, and of Lord Mansfield when he defined the count for money had and received. A stranger to the spirit of the law as it was evolved through centuries in England will always find its history a curious one. Looking first at the early English Common Law, its most striking feature is the enormous extent to which its founders concerned themselves with remedies before settling the substantive rules for breach of which the remedies were required. Nowhere else, unless perhaps in the law of ancient Rome, do we see such a spectacle of legal writs making legal rights. Of the system of the Common Law there is a saying of Mr. Justice Wendell Holmes which is profoundly true: "The life of the law has not been logic; it has been experience. The felt necessities of the time, the prevalent moral and political theories, intentions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow-men, have had a good deal more to do than the syllogism in determining the rules by which men should be governed. The law embodies the story of a nation's development through many centuries, and it cannot be dealt with as if it contained only the axioms and corollaries of a book of mathematics." As the distinguished writer whom I have quoted tells us, we cannot, without the closest application of the historical method, comprehend the genesis and evolution of the English Common Law. Its

paradox is that in its beginnings the forms of action came before the substance. It is in the history of English remedies that we have to study the growth of rights. I recall a notable sentence in one of Sir Henry Maine's books. "So great," he declares, "is the ascendancy of the Law of Actions in the infancy of Courts of Justice, that substantive law has, at first, the look of being gradually secreted in the interstices of procedure." I will add to his observation this: that all our reforms notwithstanding, the dead hands of the old forms of action still rest firmly upon us. In logic the substantive conceptions ought of course to have preceded these forms. But the historical sequence has been different, for reasons with which every competent student of early English history is familiar. The phenomenon is no uncommon one. The time spirit and the spirit of logical form do not always, in a world where the contingent is ever obtruding itself, travel hand in hand. The germs of substantive law were indeed present as potential forces from the beginning, but they did not grow into life until later on. And therefore forms of action have thrust themselves forward with undue prominence. That is why the understanding of our law is, even for the practitioner of to-day, inseparable from knowledge of its history.

As with the Common Law, so it is with Equity. To know the principles of Equity is to know the history of the Courts in which it has been administered, and especially the

history of the office which at present I chance myself to hold. Between law and equity there is no other true line of demarcation. The King was the fountain of justice. But to get justice at his hands it was necessary first of all to obtain the King's writ. As Bracton declared, "*non potest quis sine brevi agere.*" But the King could not personally look after the department where such writs were to be obtained. At the head of this, his Chancery, he therefore placed a Chancellor, usually a bishop, but sometimes an archbishop and even a cardinal, for in these days the Church had a grip which to a Lord Chancellor of the twentieth century is unfamiliar. At first the holder of the office was not a judge. But he was keeper of the King's conscience, and his business was to see that the King's subjects had remedies when he considered that they had suffered wrongs. Consequently he began to invent new writs, and finally to develop remedies which were not confined by the rigid precedents of the Common Law. Thus he soon became a judge. When he found that he could not grant a Common Law writ he took to summoning people before him and to searching their consciences. He inquired, for instance, as to trusts which they were said to have undertaken, and as the result of his inquiries rights and obligations unknown to the Common Law were born in his Court of Conscience. You see at a glance how susceptible such a practice was of development into a complete system of Equity. You would

expect, moreover, to find that the ecclesiastical atmosphere in which my official predecessors lived would influence the forms in which they moulded their special system of jurisprudence. This did indeed happen; but even in those days the atmosphere was not merely ecclesiastical. For the Lord High Chancellor in the household of an early English monarch was the King's domestic chaplain, and as, unlike his fellow-servants in the household, the Lord High Steward and the Lord Great Chamberlain, he always possessed the by no means common advantage of being able to read and write, he acted as the King's political secretary. He used, it seems, in early days to live in the palace, and he had a regular daily allowance. From one of the records it appears that his wages were five shillings, a simnel cake, two seasoned simnels, one sextary of clear wine, one sextary of household wine, one large wax candle, and forty small pieces of candle. In the time of Henry II. the modern treasury spirit appears to have begun to walk abroad, for in the records the allowance of five shillings appears as if subjected to a reduction. If he dined away from the palace, *si extra domum comèderit*, and was thereby forced to provide extras, then indeed he got his five shillings. But if he dined at home, *intra domum*, he was not allowed more than three shillings and sixpence. The advantage of his position was, however, that, living in the palace, he was always at the King's ear. He kept the Great



Seal through which all great acts of state were manifested. Indeed it was the custody of the Great Seal that made him Chancellor. Even to-day this is the constitutional usage. When I myself was made Lord Chancellor the appointment was effected, not by Letters Patent, nor by writing under the Sign Manual, nor even by words spoken, but by the Sovereign making a simple delivery of the Great Seal into my hands while I knelt before him at Buckingham Palace in the presence of the Privy Council.

The reign of Charles I. saw the last of the ecclesiastical chancellors. The slight sketch of the earlier period which I have drawn shows that in these times there might well have developed a great divergence of Equity from the Common Law, under the influence of the Canon and Roman laws to which ecclesiastical chancellors would naturally turn. In the old Courts of Equity it was natural that a different atmosphere from that of the Common Law Courts should be breathed. But with the gradual drawing together of the Courts of Law and Equity under lay chancellors the difference of atmosphere disappears, and we see the two systems becoming fused into one.

The moral of the whole story is the hopelessness of attempting to study Anglo-Saxon jurisprudence apart from the history of its growth and of the characters of the judges who created it. It is by no accident that among Anglo-Saxon lawyers the law does not assume



the form of codes, but is largely judge-made. We have statutory codes for portions of the field which we have to cover. But those statutory codes come, not at the beginning, but at the end. For the most part the law has already been made by those who practise it before the codes embody it. Such codes with us arrive only with the close of the day, after its heat and burden have been borne, and when the journey is already near its end.

I have spoken of a spirit and of traditions which have been apparent in English law. But they have made their influence felt elsewhere. My judicial colleagues in the province of Quebec administer a system which is partly embodied in a great modern code, and partly depends on old French law of the period of Louis XIV. They apply, moreover, a good deal of the public and commercial law of England. The relation of the code to these systems has given rise to some controversies. What I have gathered, however, when sitting in the Judicial Committee of the Privy Council, is that a spirit not very different from that of the English lawyers has prevailed in Quebec. The influence of the judges in moulding the law, and of legal opinion in fashioning the shape which it should take, seem to me to have been hardly less apparent in Quebec than elsewhere in Canada. Indeed the several systems of our group of nations, however those systems have originated, everywhere show a similar spirit, and disclose the power of our

lawyers in creating and developing the law as well as in changing it, a power which has been more exercised outside the legislature than within it. It is surely because the lawyers of the New World have an influence so potent and so easily wielded that they have been able to use it copiously in a wider field of public affairs than that of mere jurisprudence. It is very striking to the observer to see how many of the names of those who have controlled the currents of public opinion in the United States and Canada alike have been the names of famous lawyers. I think this has been so partly because the tradition and spirit of the law were always what I have described, and different from that on the Continent of Europe. But it has also been so because, in consequence of that tradition and spirit, the vocation of the lawyer has not, as on the Continent of Europe, been that of a segregated profession of interpreters, but a vocation which has placed him at the very heart of affairs. In the United Kingdom this has happened in the same fashion, yet hardly to so great an extent, because there has been competition of other and powerful classes whose tradition has been to devote their lives to a Parliamentary career. But in the case of all three nations it is profoundly true that, as was said by the present President of the United States in 1910, in an address delivered to this very Association, "the country must find lawyers of the right sort and the old spirit to advise it, or it must stumble through a

very chaos of blind experiment." "It never," he went on to add, "needed lawyers who are also statesmen more than it needs them now—needs them in its courts, in its legislatures, in its seats of executive authority—lawyers who can think in the terms of society itself."

This at least is evident, that if you and I belong to a great calling, it is a calling in which we have a great responsibility. We can do much to influence opinion, and the history of our law and the character of our tradition render it easy for us to attain to that unity in habit of thought and sentiment which is the first condition of combined action. That is why I do not hesitate to speak to you as I am doing.

And having said so much, I now submit to you my second point. The law has grown by development through the influence of the opinion of society guided by its skilled advisers. But the law forms only a small part of the system of rules by which the conduct of the citizens of a state is regulated. Law, properly so called, whether civil or criminal, means essentially those rules of conduct which are expressly and publicly laid down by the sovereign will of the state, and are enforced by the sanction of compulsion. Law, however, imports something more than this. As I have already remarked, its full significance cannot be understood apart from the history and spirit of the nation whose law it is. Moreover it has a real relation to the obligations even of conscience, as well as to something else which I

shall presently refer to as the General Will of Society. In short, if its full significance is to be appreciated, larger conceptions than those of the mere lawyer are essential, conceptions which come to us from the moralist and the sociologist, and without which we cannot see fully how the genesis of law has come about. That is where writers like Bentham and Austin are deficient. One cannot read a great book like the *Esprit des Lois* without seeing that Montesquieu had a deeper insight than Bentham or Austin, and that he had already grasped a truth which, in Great Britain at all events, was to be forgotten for a time.

Besides the rules and sanctions which belong to law and legality, there are other rules, with a different kind of sanction, which also influence conduct. I have spoken of conscience, and conscience, in the strict sense of the word, has its own court. But the tribunal of conscience is a private one, and its jurisdiction is limited to the individual whose conscience it is. The moral rules enjoined by the private conscience may be the very highest of all. But they are enforced only by an inward and private tribunal. Their sanction is subjective and not binding in the same way on all men. The very loftiness of the motive which makes a man love his neighbour more than himself, or sell all his goods in order that he may obey a great and inward call, renders that motive in the highest cases incapable of being made a rule of universal application in any positive form.



And so it was that the foundation on which one of the greatest of modern moralists, Immanuel Kant, sought to base his ethical system, had to be revised by his successors. For it was found to reduce itself to little more than a negative and therefore barren obligation to act at all times from maxims fit for law universal, maxims which, because merely negative, turned out to be inadequate as guides through the field of daily conduct. In point of fact that field is covered, in the case of the citizen, only to a small extent by law and legality on the one hand, and by the dictates of the individual conscience on the other. There is a more extensive system of guidance which regulates conduct and which differs from both in its character and sanction. It applies, like law, to all the members of a society alike, without distinction of persons. It resembles the morality of conscience in that it is enforced by no legal compulsion. In the English language we have no name for it, and this is unfortunate, for the lack of a distinctive name has occasioned confusion both of thought and of expression. German writers have, however, marked out the system to which I refer and have given it the name of "Sittlichkeit." In his book, *Der Zweck im Recht*, Rudolph von Jhering, a famous professor at Göttingen, with whose figure I was familiar when I was a student there nearly forty years ago, pointed out, in the part which he devoted to the subject of "Sittlichkeit," that it was the merit of the German



language to have been the only one to find a really distinctive and scientific expression for it. “ Sittlichkeit ” is the system of habitual or customary conduct, ethical rather than legal, which embraces all those obligations of the citizen which it is “ bad form ” or “ not the thing ” to disregard. Indeed regard for these obligations is frequently enjoined merely by the social penalty of being “ cut ” or looked on askance. And yet the system is so generally accepted and is held in so high regard, that no one can venture to disregard it without in some way suffering at the hands of his neighbours for so doing. If a man maltreats his wife and children, or habitually jostles his fellow-citizen in the street, or does things flagrantly selfish or in bad taste, he is pretty sure to find himself in a minority and the worse off in the end. Not only does it not pay to do these things, but the decent man does not wish to do them. A feeling analogous to what arises from the dictates of his more private and individual conscience restrains him. He finds himself so restrained in the ordinary affairs of daily life. But he is guided in his conduct by no mere inward feeling, as in the case of conscience. Conscience and, for that matter, law overlap parts of the sphere of social obligation about which I am speaking. A rule of conduct may, indeed, appear in more than one sphere, and may consequently have a twofold sanction. But the guide to which the citizen mostly looks is just the standard recognised by the commu-

nity, a community made up mainly of those fellow-citizens whose good opinion he respects and desires to have. He has everywhere round him an object-lesson in the conduct of decent people towards each other and towards the community to which they belong. Without such conduct and the restraints which it imposes there could be no tolerable social life, and real freedom from interference would not be enjoyed. It is the instinctive sense of what to do and what not to do in daily life and behaviour that is the source of liberty and ease. And it is this instinctive sense of obligation that is the chief foundation of society. Its reality takes objective shape and displays itself in family life and in our other civic and social institutions. It is not limited to any one form, and it is capable of manifesting itself in new forms and of developing and changing old forms. Indeed the civic community is more than a political fabric. It includes all the social institutions in and by which the individual life is influenced—such as are the family, the school, the church, the legislature, and the executive. None of these can subsist in isolation from the rest; together they and other institutions of the kind form a single organic whole, the whole which is known as the Nation. The spirit and habit of life which this organic entirety inspires and compels are what, for my present purpose, I mean by “Sittlichkeit.” “Sitte” is the German for custom, and “Sittlichkeit” implies custom and a habit of mind and action. It also implies

a little more. Fichte<sup>1</sup> defines it in words which are worth quoting, and which I will put into English: "What, to begin with," he says, "does 'Sitte' signify, and in what sense do we use the word? It means for us, and means in every accurate reference we make to it, those principles of conduct which regulate people in their relations to each other, and which have become matter of habit and second nature at the stage of culture reached, and of which, therefore, we are not explicitly conscious. Principles, we call them, because we do not refer to the sort of conduct that is casual or is determined on casual grounds, but to the hidden and uniform ground of action which we assume to be present in the man whose action is not deflected and from which we can pretty certainly predict what he will do. Principles, we say, which have become a second nature and of which we are not explicitly conscious. We thus exclude all impulses and motives based on free individual choice, the inward aspect of 'Sittlichkeit,' that is to say morality, and also the outward side, or law, alike. For what a man has first to reflect over and then freely to resolve is not for him a habit in conduct; and in so far as habit in conduct is associated with a particular age, it is regarded as the unconscious instrument of the Time Spirit."

The system of ethical habit in a community is of a dominating character, for the decision

1. *Grundzüge des Gegenwärtigen Zeitalters*, Werke, Band vii., p. 214.

and influence of the whole community is embodied in that social habit. Because such conduct is systematic and covers the whole of the field of society, the individual will is closely related by it to the will and spirit of the community. And out of this relation arises the power of adequately controlling the conduct of the individual. If this power fails or becomes weak the community degenerates and may fall to pieces. Different nations excel in their "Sittlichkeit" in different fashions. The spirit of the community and its ideals may vary greatly. There may be a low level of "Sittlichkeit"; and we have the spectacle of nations which have even degenerated in this respect. It may possibly conflict with law and morality, as in the case of the duel. But when its level is high in a nation we admire the system, for we see it not only guiding a people and binding them together for national effort, but affording the most real freedom of thought and action for those who in daily life habitually act in harmony with the General Will.

Thus we have in the case of a community, be it the city or be it the state, an illustration of a sanction which is sufficient to compel observance of a rule without any question of the application of force. This kind of sanction may be of a highly compelling quality, and it often extends so far as to make the individual prefer the good of the community to his own. The development of many of our social institutions, of our hospitals, of our universities, and of other



establishments of the kind, shows the extent to which it reaches and is powerful. But it has yet higher forms in which it approaches very nearly to the level of the obligation of conscience, although it is distinct from that form of obligation. I will try to make clear what I mean by illustrations. A man may be impelled to action of a high order by his sense of unity with the society to which he belongs, action of which, from the civic standpoint, all approve. What he does in such a case is natural to him, and is done without thought of reward or punishment; but it has reference to standards of conduct set up by society and accepted just because society has set them up. There is a poem by the late Sir Alfred Lyall which exemplifies the high level that may be reached in such conduct. The poem is called *Theology in Extremis*, and it describes the feelings of an Englishman who had been taken prisoner by Mahometan rebels in the Indian Mutiny. He is face to face with a cruel death. They offer him his life if he will repeat something from the Koran. If he complies, no one is likely ever to hear of it, and he will be free to return to England and to the woman he loves. Moreover, and here is the real point, he is not a believer in Christianity, so that it is no question of denying his Saviour. What ought he to do? Deliverance is easy, and the relief and advantage would be unspeakably great. But he does not really hesitate, and every shadow of doubt disappears when he hears his fellow-prisoner,



a half-caste, pattering eagerly the words demanded.

He himself has no hope of heaven and he loves life—

“Yet for the honour of English race  
May I not live or endure disgrace:  
Ay, but the word if I could have said it,  
I by no terrors of hell perplexed.  
Hard to be silent and have no credit  
From man in this world, or reward in the next ;  
None to bear witness and reckon the cost  
Of the name that is saved by the life that is lost.  
I must begone to the crowd untold  
Of men by the cause which they served unknown,  
Who moulder in myriad graves of old ;  
Never a story and never a stone  
Tells of the martyrs who die like me  
Just for the pride of the old countree.”

I will take another example, this time from the literature of ancient Greece.

In one of the shortest but not least impressive of his *Dialogues*, the “Crito,” Plato tells us of the character of Socrates, not as a philosopher, but as a good citizen. He has been unjustly condemned by the Athenians as an enemy to the good of the state. Crito comes to him in prison to persuade him to escape. He urges on him many arguments, his duty to his children included. But Socrates refuses. He chooses to follow, not what anyone in the crowd might do, but the example which the ideal citizen should set. It would be a breach of his duty to fly from the judgment duly passed in the Athens to which he belongs, even though he

thinks the decree should have been different. For it is the decree of the established justice of his City State. He will not "play truant." He hears the words, "Listen, Socrates, to us who have brought you up"; and in reply he refuses to go away, in these final sentences: "This is the voice which I seem to hear murmuring in my ears, like the sound of the flute in the ears of the mystic; that voice, I say, is murmuring in my ears, and prevents me from hearing any other. And I know that anything more which you may say will be vain."

Why do men of this stamp act so, it may be when leading the battle line, it may be at critical moments of quite other kinds? It is, I think, because they are more than mere individuals. Individual they are, but completely real, even as individual, only in their relation to organic and social wholes in which they are members, such as the family, the city, the state. There is in every truly organised community a Common Will which is willed by those who compose that community, and who in so willing are more than isolated men and women. It is not, indeed, as unrelated atoms that they have lived. They have grown, from the receptive days of childhood up to maturity, in an atmosphere of example and general custom, and their lives have widened out from one little world to other and higher worlds, so that, through occupying successive stations in life, they more and more come to make their own the life of the social whole in which they

move and have their being. They cannot mark off or define their own individualities without reference to the individualities of others. And so they unconsciously find themselves as in truth pulse-beats of the whole system, and themselves the whole system. It is real in them and they in it. They are real only because they are social. The notion that the individual is the highest form of reality, and that the relationship of individuals is one of mere contract, the notion of Hobbes and of Bentham and of Austin, turns out to be quite inadequate. Even of an everyday contract, that of marriage, it has been well said that it is a contract to pass out of the sphere of contract, and that it is possible only because the contracting parties are already beyond and above that sphere. As a modern writer, F. H. Bradley of Oxford, to whose investigations in these regions we owe much, has finely said<sup>1</sup>: "The moral organism is not a mere animal organism. In the latter the member is not aware of itself as such, while in the former it knows itself, and therefore knows the whole in itself. The narrow external function of the man is not the whole man. He has a life which we cannot see with our eyes, and there is no duty so mean that it is not the realisation of this, and knowable as such. What counts is not the visible outer work so much as the spirit in which it is done. The breadth of my life is not measured by the multitude of my pursuits, nor the space I take

1. *Ethical Studies*, p. 170.

up amongst other men; but by the fulness of the whole life which I know as mine. It is true that less now depends on each of us as this or that man; it is not true that our individuality is therefore lessened, that therefore we have less in us."

There is, according to this view, a General Will with which the will of the good citizen is in accord. He feels that he would despise himself were his private will not in harmony with it. The notion of the reality of such a will is no new one. It is as old as the Greeks, for whom the moral order and the city state were closely related; and we find it in modern books in which we do not look for it. Jean Jacques Rousseau is probably best known to the world by the famous words in which he begins the first chapter of the *Social Contract*: "Man is born free, and everywhere he is in chains. Those who think themselves to be the masters of others cease not to be greater slaves than the people they govern." He goes on in the next paragraph to tell us that if he were only to consider force and the effects of it, he would say that if a nation was constrained to obey and did obey, it did well, but that whenever it could throw off its yoke and did throw it off, it acted better. His words, written in 1762, became a text for the pioneers of the French Revolution. But they would have done well to read further into the book. As Rousseau goes on we find a different conception. He passes from considering the fiction of a

Social Contract to a discussion of the power over the individual of the General Will, by virtue of which a people becomes a people. This General Will, the *Volonté Générale*, he distinguishes from the *Volonté de Tous*, which is a mere numerical sum of individual wills. These particular wills do not rise above themselves. The General Will, on the other hand, represents what is greater than the individual volition of those who compose the society of which it is the will. On occasions this higher will is more apparent than at other times. But it may, if there is social slackness, be difficult to distinguish from a mere aggregate of voices, from the will of a mob. What is interesting is that Rousseau, so often associated with doctrine of quite another kind, should finally recognise the bond of a General Will as what really holds the community together. For him, as for those who have had a yet clearer grasp of the principle, in willing the General Will we not only realise our true selves but we may rise above our ordinary habit of mind. We may reach heights which we could not reach, or which at all events most of us could not reach, in isolation. There are few observers who have not been impressed with the wonderful unity and concentration of purpose which an entire nation may display—above all, in a period of crisis. We see it in time of war, when a nation is fighting for its life or for a great cause. We have seen it in Japan, and we have seen it still more recently even among the peoples of the



Balkan Peninsula. We have marvelled at the illustrations with which history abounds of the General Will rising to heights of which but few of the individual citizens in whom it is embodied have ever before been conscious even in their dreams.

In his life of Themistocles Plutarch tells us how even in time of peace the leader of the Athenian people could fashion them into an undivided community and inspire them to rise above themselves. It was before the Persians had actually threatened to invade Attica that Themistocles foresaw what would come. Greece could not raise armies comparable in numbers to those of the Persian kings. But he told his people that the oracle had spoken thus: "When all things else are taken within the boundary of Cecrops and the covert of divine Cithaeron, Zeus grants to Athena that the wall of wood alone shall remain uncaptured, which shall help thee and thy children." The Athenian citizens were accustomed in each year to divide among themselves the revenue of their silver mines at Laurium. Themistocles had the daring, so Plutarch tells us, to come forward and boldly propose that the usual distribution should cease, and that they should let him spend the money for them in building a hundred ships. The citizens rose to his lead, the ships were built, and with them the Greeks were able at a later date to win against Xerxes the great sea-fight at Salamis, and to defeat an invasion by the hosts of Persia which, had it succeeded,

might have changed the course of modern as well as ancient history.

By such leadership it is that a common ideal can be made to penetrate the soul of a people, and to take complete possession of it. The ideal may be very high, or it may be of so ordinary a kind that we are not conscious of it without the effort of reflection. But when it is there it influences and guides daily conduct. Such idealism passes beyond the sphere of law, which provides only what is necessary for mutual protection and liberty of just action. It falls short, on the other hand, in quality of the dictates of what Kant called the Categorical Imperative that rules the private and individual conscience, but that alone, an Imperative which therefore gives insufficient guidance for ordinary and daily social life. Yet the ideal of which I speak is not the less binding; and it is recognised as so binding that the conduct of all good men conforms to it.

Thus we find within the single state the evidence of a sanction which is less than legal but more than merely moral, and which is sufficient, in the vast majority of the events of daily life, to secure observance of general standards of conduct without any question of resort to force. If this is so within a nation, can it be so as between nations? This brings me at once to my third point. Can nations form a group or community among themselves within which a habit of looking to common ideals may grow up sufficiently strong to

develop a General Will, and to make the binding power of these ideals a reliable sanction for their obligations to each other?

There is, I think, nothing in the real nature of nationality that precludes such a possibility. A famous student of history has bequeathed to us a definition of nationality which is worth attention: I refer to Ernest Renan, of whom George Meredith once said to me, while the great French critic was still living, that there was more in his head than in any other head in Europe. Renan tells us that "Man is enslaved neither by his race, nor by his language, nor by the direction of mountain ranges. A great aggregation of men, sane of mind and warm of heart, creates a moral consciousness which is called a nation." Another acute critic of life, Matthew Arnold, citing one still greater than himself, draws what is in effect a deduction from the same proposition. "Let us," he says,<sup>1</sup> "conceive of the whole group of civilised nations as being, for intellectual and spiritual purposes, one great confederation, bound to a joint action and working towards a common result; a confederation whose members have a due knowledge both of the past, out of which they all proceed, and of each other. This was the ideal of Goethe, and it is an ideal which will impose itself upon the thoughts of our modern societies more and more."

But while I admire the faith of Renan and Arnold and Goethe in what they all three

1. *Preface to the Poems of Wordsworth.*

believed to be the future of humanity, there is a long road yet to be travelled before what they hoped for can be fully accomplished. Grotius concludes his great book on War and Peace with a noble prayer: "May God write," he said, "these lessons—He Who alone can—on the hearts of all those who have the affairs of Christendom in their hands. And may He give to those persons a mind fitted to understand and to respect rights, human and divine, and lead them to recollect always that the ministration committed to them is no less than this, that they are the Governors of Man, a creature most dear to God."

The prayer of Grotius has not yet been fulfilled, nor do recent events point to the fulfilment as being near. The world is probably a long way off from the abolition of armaments and the peril of war. For habits of mind which can be sufficiently strong with a single people can hardly be as strong between nations. There does not exist the same extent of common interest, of common purpose, and of common tradition. And yet the tendency, even as between nations that stand in no special relation to each other, to develop such a habit of mind is in our time becoming recognisable. There are signs that the best people in the best nations are ceasing to wish to live in a world of mere claims, and to proclaim on every occasion "Our country, right or wrong." There is growing up a disposition to believe that it is good, not only for all men but for all nations,



to consider their neighbours' point of view as well as their own. There is apparent at least a tendency to seek for a higher standard of ideals in international relations. The barbarism which once looked to conquest and the waging of successful war as the main object of statesmanship, seems as though it were passing away. There have been established rules of International Law which already govern the conduct of war itself, and are generally observed as binding by all civilised people, with the result that the cruelties of war have been lessened. If practice falls short of theory, at least there is to-day little effective challenge of the broad principle that a nation has as regards its neighbours duties as well as rights. It is this spirit that may develop as time goes on into a full international "Sittlichkeit." But such development is certainly still easier and more hopeful in the case of nations with some special relation, than it is within a mere aggregate of nations. At times a common interest among nations with special relations of the kind I am thinking of gives birth to a social habit of thought and action which in the end crystallises into a treaty, a treaty which in its turn stimulates the process that gave it birth. We see this in the case of Germany and Austria, and in that of France and Russia. Sometimes a friendly relationship grows up without crystallising into a general treaty. Such has been the case between my own country and France. We have no convention excepting one confined to the settlement of



old controversies over specific subjects, a convention that has nothing to do with war. None the less, since in that convention there was embodied the testimony of willingness to give as well as to take, and to be mutually understanding and helpful, there has arisen between France and England a new kind of feeling which forms a real tie. It is still young, and it may stand still or diminish. But equally well it may advance and grow, and it is earnestly to be hoped that it will do so.

Recent events in Europe and the way in which the Great Powers have worked together to preserve the peace of Europe, as if forming one community, point to the ethical possibilities of the group system as deserving of close study by both statesmen and students. The "Sittlichkeit" which can develop itself between the peoples of even a loosely connected group seems to promise a sanction for International Obligation which has not hitherto, so far as I know, attracted attention in connection with International Law. But if the group system deserves attention in the cases referred to, how much more does it call for attention in another and far more striking case!

In the year which is approaching, a century will have passed since the United States and the people of Canada and Great Britain terminated a great war by the Peace of Ghent. On both sides the combatants felt that war to be unnatural and one that should never have been commenced. And now we have lived for

nearly a hundred years, not only in peace, but also, I think, in process of coming to a deepening and yet more complete understanding of each other, and to the possession of common ends and ideals, ends and ideals which are natural to the Anglo-Saxon group, and to that group alone. It seems to me that within our community there is growing an ethical feeling which has something approaching to the binding quality of which I have been speaking. Men may violate the obligations which that feeling suggests, but by a vast number of our respective citizens it would not be accounted decent to do so. For the nations in such a group as ours to violate these obligations would be as if respectable neighbours should fall to blows because of a difference of opinion. We may disagree on specific points and we probably shall, but the differences should be settled in the spirit and in the manner in which citizens usually settle their differences. The new attitude which is growing up has changed many things, and made much that once happened no longer likely to recur. I am concerned when I come across things that were written about America by British novelists only fifty years ago, and I doubt not that there are some things in the American literature of days gone past which many here would wish to have been without. But now that sort of writing is happily over, and we are realising more and more the significance of our joint tradition and of the common interests which are ours. It is a

splendid example to the world that Canada and the United States should have nearly four thousand miles of frontier practically unfortified. As an ex-War Minister, who knows what a saving in unproductive expenditure this means, I fervently hope that it may never be otherwise.

But it is not merely in external results that the pursuit of a growing common ideal shows itself when such an ideal is really in men's minds. It transforms the spirit in which we regard each other, and it gives us faith in each other—

“Why, what but faith, do we abhor  
And idolise each other for—  
Faith in our evil or our good,  
Which is or is not understood  
Aright by those we love or those  
We hate, thence called our friends or foes.”

I think that for the future of the relations between the United States on the one hand and Canada and Great Britain on the other, those who are assembled in this great meeting have their own special responsibility. We who are the lawyers of the New World and of the old mother country possess, as I have said to you, a tradition which is distinctive and peculiarly our own. We have been taught to look on our system of justice, not as something that waits to be embodied in abstract codes before it can be said to exist, but as what we ourselves are progressively and co-operatively evolving. And our power of influence is not confined to

the securing of municipal justice. We play a large part in public affairs, and we influence our fellow-men in questions which go far beyond the province of the law, and which extend in the relations of society to that "Sittlichkeit" of which I have spoken. In this region we exert much control. If, then, there is to grow up among the nations of our group, and between that group and the rest of civilisation, a yet further development of "Sittlichkeit," has not our profession special opportunities of influencing opinion, which are coupled with a deep responsibility? To me, when I look to the history of our calling in the three countries, it seems that the answer to this question requires no argument and admits of no controversy. It is our very habit of regarding the law and the wider rules of conduct which lie beyond the law as something to be moulded best if we co-operate steadily, that gives us an influence perhaps greater than is strictly ours, an influence which may in affairs of the state be potently exercised for good or for evil.

This, then, is why, as a lawyer speaking to lawyers, I have a strong sense of responsibility in being present here to-day, and why I believe that many of you share my feeling. A movement is in progress which we, by the character of our calling as judges and as advocates, have special opportunities to further. The sphere of our action has its limits, but at least it is given to us as a body to be the counsellors of



our fellow-citizens in public and in private life alike. I have before my mind the words which I have already quoted of the present President of the United States, when he spoke of "lawyers who can think in the terms of society itself." And I believe that if, in the language of yet another president, in the famous words of Lincoln, we as a body in our minds and hearts "highly resolve" to work for the general recognition by society of the binding character of international duties and rights as they arise within the Anglo-Saxon group, we shall not resolve in vain. A mere common desire may seem an intangible instrument, and yet, intangible as it is, it may be enough to form the beginning of what in the end will make the whole difference. Ideas have hands and feet, and the ideas of a congress such as this may affect public opinion deeply. It is easy to fail to realise how much an occasion like the assemblage in Montreal of the American Bar Association, on the eve of a great international centenary, can be made to mean, and it is easy to let such an occasion pass with a too timid modesty. Should we let it pass now, I think a real opportunity for doing good will just thereby have been missed by you and me. We need say nothing; we need pass no cut and dried resolution. It is the spirit not the letter that is the one thing needful.

I do not apologise for having trespassed on the time and attention of this remarkable meeting for so long, or for urging what may seem



to belong more to ethics than to law. We are bound to search after fresh principles if we desire to find firm foundations for a progressive practical life. It is the absence of a clear conception of principle that occasions some at least of the obscurities and perplexities that beset us in the giving of counsel and in following it. On the other hand, it is futile to delay action until reflection has cleared up all our difficulties. If we would learn to swim, we must first enter the water. We must not refuse to begin our journey until the whole of the road we may have to travel lies mapped out before us. A great thinker declared that it is not Philosophy which first gives us the truth that lies to hand around us, and that mankind has not to wait for Philosophy in order to be conscious of this truth. Plain John Locke put the same thing in more homely words when he said that "God has not been so sparing to men to make them two-legged creatures, and left it to Aristotle to make them rational." Yet the reflective spirit does help, not by furnishing us with dogmas or final conclusions, or even with lines of action that are always definite, but by the insight which it gives, an insight that develops in us what Plato called the "synoptic mind," the mind that enables us to see things steadily as well as to see them whole.

And now I have expressed what I had in my mind. Your welcome to me has been indeed a generous one, and I shall carry the memory of it back over the Atlantic. But the

occasion has seemed to me significant of something beyond even its splendid hospitality. I have interpreted it, and I think not wrongly, as the symbol of a desire that extends beyond the limits of this assemblage. I mean the desire that we should steadily direct our thoughts to how we can draw into closest harmony the nations of a race in which all of us have a common pride. If that be now a far-spread inclination, then indeed may the people of three great countries say to Jerusalem, "Thou shalt be built," and to the Temple, "Thy foundation shall be laid."



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